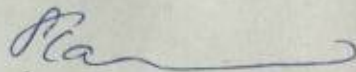


bill, and is found by me to be a true and correctly
copy of the said bill.



Clerk to the Legislative Council.

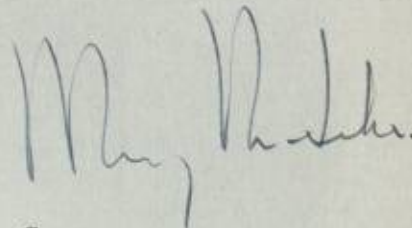


HONG KONG

No. 48 OF 1978



I assent.



Governor.

22nd June, 1978.

An ordinance to amend the Masonic Benevolence Fund Incorporation Ordinance.

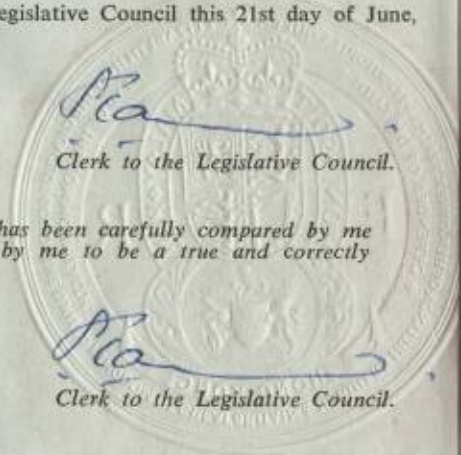
[23rd June, 1978]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Masonic Benevolence Fund Incorporation (Amendment) Ordinance 1978. Short title.
2. The long title of the principal Ordinance is amended by deleting "South China" and substituting the following— Amendment of long title. (Cap. 1034.)
"Far East".
3. Section 3 of the principal Ordinance is amended in subsection (1) by deleting "South China" in both places where it appears and substituting the following— Amendment of section 3.
"Far East".
4. For the avoidance of doubt, it is hereby declared that the change of name of the corporation provided by section 3 shall not affect— Saving.
 - (a) any right to any property whether movable or immovable, or any other right, or any interest or privilege vested in or held for or on behalf of the said corporation immediately before the commencement of this Ordinance;

- (b) any obligation or liability of the said corporation immediately before the commencement of this Ordinance;
- (c) any act or any thing done by the said corporation before the commencement of this Ordinance.

Passed by the Hong Kong Legislative Council this 21st day of June, 1978.



Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.



Clerk to the Legislative Council.

~~XXXX XX~~

No. 49 OF 1978




I assent.

CLY. Govern


B 0 3 1 1 1 1

the commencement of this Ordinance;
or any thing done by the said corporation before the
commencement of this Ordinance.

the Hong Kong Legislative Council this 21st day of June,


Clerk to the Legislative Council.

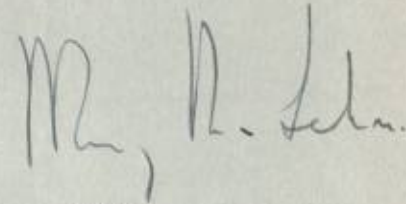
Printed impression has been carefully compared by me
with the original bill, and is found by me to be a true and correct
copy of the said bill.


Clerk to the Legislative Council.

HONG KONG

No. 49 OF 1978

I assent.


5th Governor.
8th July, 1978.

An Ordinance to amend the Detention Centres Ordinance.

[7th July, 1978]

Enacted by the Governor of Hong Kong, with the advice and consent
of the Legislative Council thereof.

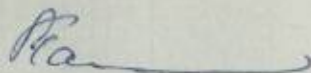
1. This Ordinance may be cited as the Detention Centres (Amend- Short title.
ment) Ordinance 1978.

2. Section 6 of the principal Ordinance is amended by deleting Amendment of
subsection (2) and substituting the following— section 6.
(Cap. 239.)

“(2) A person taken to a detention centre under subsection (1)
may be detained—

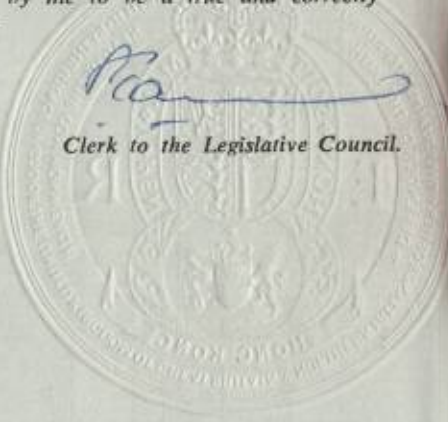
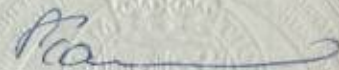
- (a) in the case of a person stated in the detention order to be
apparently of or over 21 years of age, until the expiration
of 12 months from the date of the detention order, or 3
months from the date of his being arrested under the recall
order, whichever is the later;
- (b) in the case of a person stated in the detention order to be
apparently under that age, until the expiration of 6 months
from the date of the detention order, or 3 months from the
date of his being arrested under the recall order, whichever
is the later.”

Passed by the Hong Kong Legislative Council this 5th day of July, 1978.



Clerk to the Legislative Council.


This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

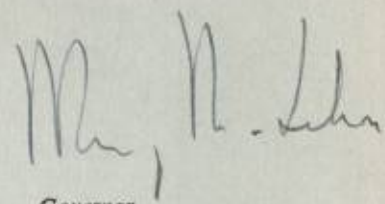
Clerk to the Legislative Council.

HONG KONG

No. 50 OF 1978



I assent.



Governor.

5th
6th July, 1978.

An Ordinance to amend the Fire Services Ordinance.

[7th July, 1978]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Fire Services (Amendment) Ordinance 1978. Short title.

2. Section 13 of the principal Ordinance is amended by inserting after "discipline" the following— Amendment of section 13. (Cap. 95.)

"or whenever an investigation is being undertaken into any conduct which may amount to the commission of an offence against discipline by a senior officer".

3. Section 14 of the principal Ordinance is repealed and replaced by the following— Repeal and replacement of section 14.

"Offences against discipline by subordinate officer and member of other ranks.

14. (1) The Director may interdict a subordinate officer or member of other ranks from the exercise of the powers and functions of his office whenever—

- (a) he is charged with an offence against discipline; or
- (b) an investigation is being undertaken into any conduct which may amount to the commission of an offence against discipline and the Director considers

that it is contrary to the public interest for the subordinate officer or member of other ranks to continue to exercise the powers and functions of his office.

(2) A subordinate officer or member of other ranks who is interdicted under subsection (1)(b) shall be entitled until such time as he is charged with a disciplinary offence to the full amount of the emoluments of his office which he would have received if he had not been interdicted.

(3) A subordinate officer or member of other ranks who—

- (a) is interdicted under subsection (1)(a); or
- (b) having been interdicted under subsection (1)(b), is charged with a disciplinary offence,

shall receive such proportion of the emoluments of his office, not being less than one-half, as the Director thinks fit.

(4) Whenever it is alleged that a subordinate officer or member of other ranks has committed a disciplinary offence, investigation shall be made into the allegation in the manner provided for by Part I of the Second Schedule and punishment may be awarded in accordance with the provisions of the Third Schedule.

Second
Schedule.
Third Schedule.

(5) Notwithstanding section 6(2), the Director shall not authorize any other member to exercise the power of dismissal conferred on him by the Third Schedule.

Third Schedule.

(6) If proceedings against a subordinate officer or member of other ranks do not result in any punishment he shall be entitled to the full amount of the emoluments which he would have received if he had not been interdicted.

(7) If a punishment other than dismissal is awarded, any subordinate officer or member of other ranks may be paid such proportion of the emoluments withheld as a result of his interdiction as the Governor thinks fit where the punishment is imposed by the Governor or as the Director thinks fit in every other case.

(8) A subordinate officer or member of other ranks who is under interdiction may not leave Hong Kong without the permission of the Director."

Repeal and
replacement
of section 14A.

4. Section 14A of the principal Ordinance is repealed and replaced by the following—

"Criminal
offences by
subordinate
officers and
members of
other ranks.

14A. (1) If criminal proceedings have been, or are likely to be, instituted against a subordinate officer or member of other ranks, or an investigation is being undertaken into any conduct which may amount to the commission of a criminal offence by such officer or member, he may be interdicted and paid emoluments in accordance with section 14 which shall (except subsection (4)) apply, with all necessary modifications, to an interdiction under this subsection.

(2) If in criminal proceedings before any court a subordinate officer or member of other ranks is found guilty of or pleads guilty to a criminal offence and any appeal in or other application for review of those proceedings is not

Second
Schedule.

allowed or is withdrawn, the officer or member may be punished in accordance with Part II of the Second Schedule.

Second
Schedule.

(3) Notwithstanding subsection (1), a subordinate officer or member of other ranks who is found guilty of or pleads guilty to a criminal offence which in the opinion of the Director is serious enough to warrant his dismissal shall not, as from the time when he is found or pleads guilty as aforesaid or when he is interdicted (whichever is the later), be paid any emoluments of his office pending consideration of the case in accordance with Part II of the Second Schedule.

(4) In this section, "criminal proceedings" and "criminal offence" include respectively—

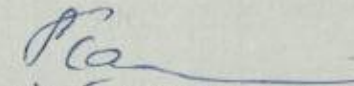
- (a) criminal proceedings in, and
- (b) a criminal offence against the law of, any place outside Hong Kong."

5. Section 16 of the principal Ordinance is amended by deleting paragraph (a) and substituting the following—


Amendment of
section 16.

"(a) if criminal proceedings have been, or are likely to be, instituted against a senior officer, or an investigation is being undertaken into any conduct which may amount to the commission of a criminal offence by a senior officer, he may be interdicted from duty and paid emoluments in accordance with Colonial Regulations and Hong Kong Regulations;"

Passed by the Hong Kong Legislative Council this 5th day of July, 1978.

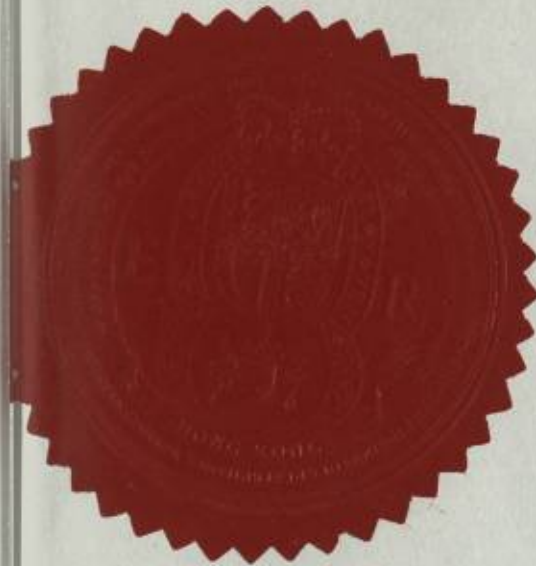

Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.


Clerk to the Legislative Council.

HOUSE BILL

No. 51 OF 1978

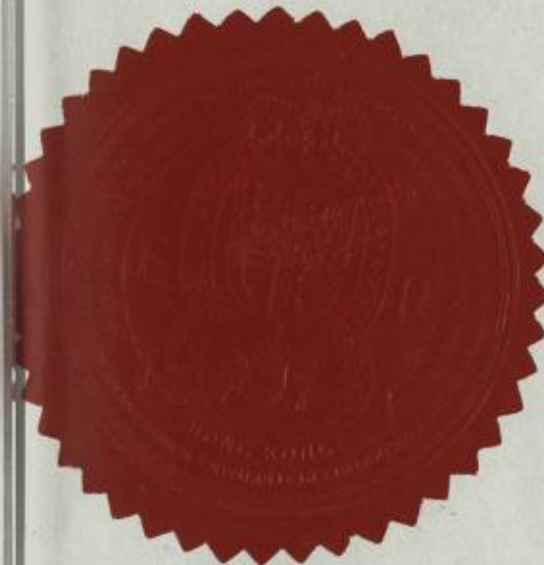


I assent.

5th *Gover.*

HONG KONG

No. 51 OF 1978



I assent.

Governor.

5th
~~6th~~ July, 1978.

An Ordinance to amend the Companies Ordinance and to make consequential amendments to the Inland Revenue Ordinance.

[7th July, 1978]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Companies (Amendment) Ordinance 1978. Short title.

2. Section 21 of the principal Ordinance is repealed and replaced by the following—

"Power to dispense with "limited" in name of charitable and other companies, 1948 c. 38, s. 19.

21. (1) Where it is proved to the satisfaction of the Registrar that an association about to be formed as a limited company is to be formed for promoting commerce, art, science, religion, charity or any other useful object, and intends to apply its profits, if any, or other income in promoting its objects, and to prohibit the payment of any dividend to its members, the Registrar may by licence direct that the association may be registered as a company with limited liability, without the addition of the word "*Limited*" to its name, and the association may be registered accordingly and shall, on registration, enjoy all the privileges and (subject to the provisions of this section) be subject to all the obligations of limited companies.

Repeal and replacement of section 21. (Cap. 32.)

(2) Where it is proved to the satisfaction of the Registrar—

- (a) that the objects of a company registered under this Ordinance as a limited company are restricted to those specified in subsection (1) and to objects incidental or conducive thereto; and
- (b) that by its constitution the company is required to apply its profits, if any, or other income in promoting its objects and is prohibited from paying any dividend to its members,

the Registrar may by licence authorize the company to make by special resolution a change in its name including or consisting of the omission of the word "*Limited*", and subsections (4) and (5) of section 22 shall apply to a change of name under this subsection as they apply to a change of name under that section.

(3) A licence by the Registrar under this section may be granted on such conditions and subject to such regulations as the Registrar thinks fit, and those conditions and regulations shall be binding on the body to which the licence is granted, and (where the grant is under subsection (1)) shall, if the Registrar so directs, be inserted in the memorandum and articles, or in one of those documents.

(4) A body to which a licence is granted under this section shall be exempted from the provisions of this Ordinance relating to the use of the word "*Limited*" as any part of its name, the publishing of its name and the sending of lists of members to the Registrar.

(5) A licence under this section may at any time be revoked by the Registrar, and upon revocation the Registrar shall enter the word "*Limited*" at the end of the name upon the register of the body to which it was granted, and the body shall cease to enjoy the exemptions and privileges or, as the case may be, the exemptions granted by this section:

Provided that before a licence is so revoked, the Registrar shall give to the body notice in writing of his intention, and shall afford it an opportunity of being heard in opposition to the revocation.

(6) A body in respect of which a licence under this section is in force shall not have power to alter its memorandum or articles unless—

- (a) it gives to the Registrar the same notice of the resolution relating to the proposed alteration as it is required to give to the members of the body; and
- (b) the proposed alteration is approved in writing by the Registrar.

(7) Where a body in respect of which a licence under this section is in force alters its memorandum or articles, the Registrar may (unless he sees fit to revoke the licence) vary the licence by making it subject to such conditions and regulations as the Registrar thinks fit, in lieu of or in addition to the conditions and regulations, if any, to which the licence was formerly subject.

(8) Where a licence granted under this section to a body the name of which contains the words "*Chamber of Commerce*" is revoked, the body shall within a period of 6 weeks from the date of revocation or such longer period as the Registrar may think fit to allow, change its name to a name which does not contain those words, and—

- (a) the notice to be given under the proviso to subsection (5) to that body shall include a statement to the effect of the foregoing provisions of this subsection; and
- (b) subsections (4) and (5) of section 22 shall apply to a change of name under this subsection as they apply to a change of name under that section.

(9) If a body referred to in subsection (8) makes default in complying with the requirements of that subsection, it shall be liable to a fine not exceeding \$500 for every day during which the default continues.

(10) Without prejudice to section 23 of the Interpretation and General Clauses Ordinance, this section shall apply in relation to any body in respect of which a licence (being a licence granted under this Ordinance in respect of the registration of that body as a company with limited liability without the addition of the word "*Limited*" to its name) is in force at the commencement of the Companies (Amendment) Ordinance 1978 as if such licence had been granted under this section after the commencement of that Ordinance."

(Cap. 1.)

(51 of 1978.)

3. Section 22 of the principal Ordinance is amended by deleting subsection (3).

Amendment of section 22.

4. Section 147 of the principal Ordinance is repealed and replaced by the following—

Repeal and replacement of section 147.

"Proceedings on inspector's report.
[cf. 1967 c. 81, ss. 35 & 37.]

147. (1) In relation to any prosecution arising from any report made under section 146, it shall be the duty of all officers and agents of the company or other body corporate whose affairs have been investigated by virtue of section 144, other than the defendant in the proceedings, to give to the Attorney General all assistance in connexion with the prosecution that they are reasonably able to give, and section 145(5) shall apply for the purposes of this subsection as it applies for the purposes of that section.

(2) If, in the case of any body corporate liable to be wound up under this Ordinance, it appears to the Financial Secretary from any report made under section 146—

- (a) that it is expedient in the public interest that the body should be wound up, he may present a petition for it to be wound up if the court thinks it just and equitable for it to be so wound up;
- (b) that the business of such body corporate is being conducted in a manner unfairly prejudicial to the interests of any part of its members, he may (in addition to, or instead of, presenting a petition under paragraph (a)) present a petition for an order under section 168A.

(3) If from any report made under section 146 it appears to the Financial Secretary that any civil proceedings ought in the public interest to be brought by any body corporate,

he may himself bring such proceedings in the name of and on behalf of the body corporate.

(4) The Government shall indemnify the body corporate against any costs or expenses incurred by it in or in connexion with any proceedings brought by virtue of subsection (3)."

Amendment of section 148.

5. Section 148 of the principal Ordinance is amended—

(a) in subsection (1)(a) by deleting "147(4), to such extent as, in either case," and substituting the following—

"147(3), or who is ordered to pay the whole or any part of the costs of any such proceedings, to such extent as";

(b) in subsection (3) by deleting "147(4), including expenses incurred by virtue of subsection (5)" and substituting the following—

"147(3), including expenses incurred by virtue of subsection (4)".

Addition of new section 168A.

6. The principal Ordinance is amended by adding after section 168 the following—

"Minorities

Alternative remedy to winding up in cases of unfair prejudice. [cf. 1948 c. 38, s. 210.]

168A. (1) Any member of a company who complains that the affairs of the company are being conducted in a manner unfairly prejudicial to the interests of some part of the members (including himself) or, in a case falling within section 147(2)(b), the Financial Secretary, may make an application to the court by petition for an order under this section.

(2) If on any petition under this section the court is of opinion that the company's affairs are being conducted in a manner unfairly prejudicial to the interests of some part of the members, whether or not such conduct consists of an isolated act or a series of acts, the court may, with a view to bringing to an end the matters complained of—

- (a) make an order restraining the commission of any such act or the continuance of such conduct;
- (b) order that such proceedings as the court may think fit shall be brought in the name of the company against such person and on such terms as the court may so order;
- (c) make such other order as it thinks fit, whether for regulating the conduct of the company's affairs in future, or for the purchase of the shares of any members of the company by other members of the company or by the company and, in the case of a purchase by the company, for the reduction accordingly of the company's capital, or otherwise.

(3) Where an order under this section makes any alteration in or addition to the memorandum or articles of a company, then, notwithstanding anything in any other provision of this Ordinance but subject to the provisions of the order, the company shall not have power without the leave of the court to make any further alteration in or addition to the memorandum or articles inconsistent with the provisions of the order; but, subject to the provisions of this subsection, the alterations or additions made by the order shall be of the same effect as if duly made by resolution of the company

and the provisions of this Ordinance shall apply to the memorandum or articles as so altered or added to accordingly.

(4) An office copy of any order under this section altering or adding to, or giving leave to alter or add to, a company's memorandum or articles shall, within 14 days after the making thereof, be delivered by the company to the Registrar for registration; and if a company makes default in complying with this subsection, the company and every officer of the company who is in default shall be liable to a default fine of \$50.

(5) The personal representative of a person who, at the date of his death, was a member of a company, or any trustee of, or person beneficially interested in, the shares of a company by virtue of the will or intestacy of any such person, may apply to the court under subsection (1) for an order under this section and, accordingly, any reference in that subsection to a member of a company shall be construed as including a reference to any such personal representative, trustee or person beneficially interested.

(6) Section 296 shall apply in relation to a petition under this section as it applies in relation to a winding-up petition."

7. Section 180 of the principal Ordinance is amended by inserting after subsection (1) the following—

Amendment of section 180.

"(1A) Where the petition is presented by members of the company as contributories on the ground that it is just and equitable that the company should be wound up, the court shall not refuse to make a winding-up order on the ground only that some other remedy is available to the petitioners unless it is also of opinion that they are acting unreasonably in seeking to have the company wound up instead of pursuing that other remedy."

8. Section 345 of the principal Ordinance is amended—

Amendment of section 345.

- (a) by being renumbered as subsection (1); and
- (b) by inserting the following—

"(2) This section shall not apply to a partnership formed—

(Cap. 159.)

(Cap. 50.)

- (a) for the purpose of carrying on practice as solicitors and consisting of persons each of whom is a solicitor qualified to act as such under the Legal Practitioners Ordinance;
- (b) for the purpose of carrying on practice as accountants and consisting of persons each of whom is registered as a professional accountant and holds a practising certificate under the Professional Accountants Ordinance;
- (c) for the purpose of carrying on business as a member of a recognized stock exchange and consisting of persons each of whom is a member of that exchange;
- (d) for the purpose of carrying on a profession, vocation or business specified in regulations made by the Governor in Council and consisting of persons who satisfy any conditions imposed by those regulations.

(3) For the purposes of this section, a body corporate shall be treated as a single person and any body unincorporate shall be treated as being the same number of persons as those who comprise it."

Consequential
amendment.
(Cap. 112.)

9. The Inland Revenue Ordinance is amended—

(a) in section 19C by deleting subsection (7) and substituting the following—

"(7) For the purposes of this section—

(Cap. 32.)

- (a) "partnership" does not include a partnership (other than a partnership referred to in section 345(2) of the Companies Ordinance) consisting at any time in the year of assessment of more than 20 partners;
- (b) in calculating the number of partners in a partnership, there shall be included every partner in any other partnership which is itself a partner in the first-mentioned partnership."

(b) in section 22A by deleting subsection (3) and substituting the following—

"(3) For the purposes of this section—

(Cap. 32.)

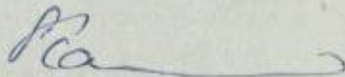
- (a) "partnership" does not include a partnership (other than a partnership referred to in section 345(2) of the Companies Ordinance) consisting at any time in the year of assessment of more than 20 partners;
- (b) in calculating the number of partners in a partnership, there shall be included every partner in any other partnership which is itself a partner in the first-mentioned partnership."

(c) by repealing section 27;

(d) in section 42(8) by inserting after "partnership" the following—

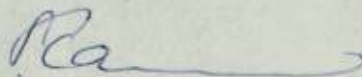
(Cap. 32.) "(other than a partnership referred to in section 345(2) of the Companies Ordinance)".

Passed by the Hong Kong Legislative Council this 5th day of July, 1978.



Clerk to the Legislative Council.

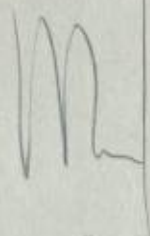
This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.



Clerk to the Legislative Council.

No. 52 of 1978

I assent.



all be treated as a single person and any body unincorporate shall be treated as being the same number of persons those who comprise it."

Land Revenue Ordinance is amended—

section 19C by deleting subsection (7) and substituting the following—

"(7) For the purposes of this section—

- (a) "partnership" does not include a partnership (other than a partnership referred to in section 345(2) of the Companies Ordinance) consisting at any time in the year of assessment of more than 20 partners;
- (b) in calculating the number of partners in a partnership, there shall be included every partner in any other partnership which is itself a partner in the first-mentioned partnership."

section 22A by deleting subsection (3) and substituting the following—

"(3) For the purposes of this section—

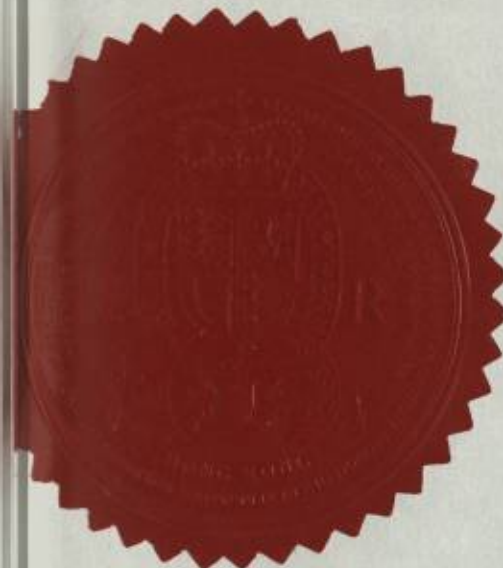
- (a) "partnership" does not include a partnership (other than a partnership referred to in section 345(2) of the Companies Ordinance) consisting at any time in the year of assessment of more than 20 partners;
- (b) in calculating the number of partners in a partnership, there shall be included every partner in any other partnership which is itself a partner in the first-mentioned partnership."

repealing section 27;

section 47(8) by inserting after "partnership" the following—

HONG KONG

No. 52 OF 1978



I assent.

Governor.

5th
~~20th~~ July, 1978.

An Ordinance to amend the Hong Kong Trade Development Council Ordinance.

[7th July, 1978]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Hong Kong Trade Development Council (Amendment) Ordinance 1978. Short title.

2. Section 11(1) of the principal Ordinance is amended in paragraph (d) by deleting "four" and substituting the following— Amendment of section 11. (Cap. 1114.)
"six".

Passed by the Hong Kong Legislative Council this 5th day of July, 1978.

Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

[Handwritten signature]
Clerk to the Legislative Council.



No. 53 OF 1978

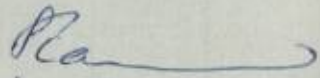


I assen

[Handwritten signature]

5th Gov
~~1978~~ Libr

bill, and is found by me to be a true and correctly
py of the said bill.


Clerk to the Legislative Council.

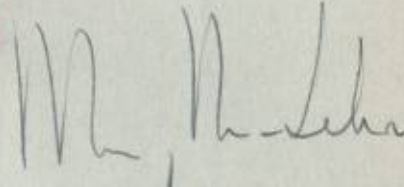


HONG KONG

No. 53 OF 1978



I assent.


5th Governor.
5th July, 1978.

An Ordinance to amend the Merchant Shipping Ordinance.

[]

Enacted by the Governor of Hong Kong, with the advice and consent
of the Legislative Council thereof.

1. This Ordinance may be cited as the Merchant Shipping (Amend-
ment) Ordinance 1978 and shall come into operation on a day to be
appointed by the Governor by Proclamation in the *Gazette*.

Short title and
commencement.

2. The principal Ordinance is amended by adding, after section 5,
the following—

Addition of
new sections
5A and 5B.
(Cap. 281.)

"Rating as
A.B.
1st, 1948, c. 44
s. 5(1), (5) &
(6)."

5A. (1) A seaman engaged to be entered in any
British ship registered in Hong Kong shall not be rated as
A.B. (that is to say, an able bodied seaman) unless he is
the holder of a certificate of competency.

(2) The Superintendent of the Mercantile Marine
Office or other officer authorized by him before whom a
seaman is engaged to be entered in any British ship re-
gistered in Hong Kong shall refuse to enter the seaman
as A.B. on the agreement with the crew unless the seaman
produces a certificate of competency or such other proof
that he is the holder of such a certificate as may appear
to the Superintendent or other officer authorized by him
to be satisfactory.

(3) In this section "certificate of competency" means a certificate of competency as A.B.—

- (a) granted in accordance with rules made under section 6; or
- (b) having, by virtue of an order under section 5B, the same effect as if so granted.

(4) Section 126 of the principal Act and section 58 of the Merchant Shipping Act 1906 shall cease to have effect in relation to any seaman for the time being engaged in a British ship registered in Hong Kong.

Certificates
as A.B.
granted in
other parts of
Commonwealth.
[cf. 1948, c. 44
s. 5(4).]

5B. Where provision is made by the law of any part of the Commonwealth, other than Hong Kong, for the grant of certificates of competency as A.B., and the Director reports to the Governor that he is satisfied that the conditions under which such a certificate is granted require standards of competency not lower than those required for the grant of a certificate of competency as A.B. under rules made under section 6, the Governor may by order published in the *Gazette* direct that the certificates granted in that part of the Commonwealth shall have the same effect for the purposes of this section and sections 5A and 6 as if they had been granted under such rules."

Amendment of
section 6.

3. Section 6 of the principal Ordinance is amended by adding, after subsection (2), the following—


"[cf. 1948, c. 44
s. 5(2).]

(2A) Rules made under subsection (2) in respect of the grant of certificates of competency as A.B. shall direct that no such certificate shall be granted to any person unless—


- (a) he has reached such minimum age as may be prescribed; and
- (b) he has performed such qualifying service at sea as may be prescribed; and
- (c) he has passed such examination as may be prescribed:

Provided that such rules may authorize the grant of such a certificate to any person, notwithstanding that he has not complied with the conditions aforesaid, if he shows, in such manner as may be prescribed, that he was serving as A.B., or in an equivalent or superior deck rating, on the date on which the rules came into force, or has so served at any time before that date."

Passed by the Hong Kong Legislative Council this 5th day of July 1978.


Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.


Clerk to the Legislative Council.

No. 54 of 1978



I assent.

A handwritten signature in blue ink, consisting of a stylized, cursive name that appears to be "M. R." or similar.

5th *Gover*

HONG KONG

No. 54 OF 1978



I assent.

Governor.

5th
~~26th~~ July, 1978.

An Ordinance to amend the Miscellaneous Licences Ordinance and to make consequential amendments to regulations made thereunder.

[7th July, 1978]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Miscellaneous Licences (Amendment) Ordinance 1978. Short title.

2. The First Schedule to the principal Ordinance is amended by deleting "Money-changer." Amendment of First Schedule (Cap. 114.)

3. The regulations specified in the first column of the Schedule are amended to the extent indicated in the second column thereof. Consequential amendments, Schedule.

SCHEDULE

[s. 3.]

<i>Regulations</i>	<i>Extent of amendment</i>
Miscellaneous Licences Regulations	(1) In regulation 17 delete "35, 36, 37, 38, 39, 40, 41, 46, 47, 48, 49, 50,". (Cap. 114. sub. leg.)
	(2) Part IV is revoked.

- (3) In the First Schedule delete—
 - "Money-changer. One year \$1,000 Commissioner of Police.
 - Money-changer (ships). One year \$1,000 Commissioner of Police.
 - Money-changer (New Territories excluding New Kowloon). One year \$ 100 Commissioner of Police."

(4) In the Second Schedule delete Forms 3 and 4.

(Cap. 114, sub. leg.) Miscellaneous Licences (Money-Changers) Exemption Regulations

The Regulations are revoked.

(L.N. 155/77.) Miscellaneous Licences (Amendment) (No. 2) Regulations 1977

The Regulations are revoked.

Passed by the Hong Kong Legislative Council this 5th day of July, 1978.

[Signature]
Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

[Signature]
Clerk to the Legislative Council.

No. 55 OF 1978



I assent

[Signature]

Gov

"Money-changer.	One year	\$1,000	Commissioner of Police.
Money-changer (ships).	One year	\$1,000	Commissioner of Police.
Money-changer (New Territories excluding New Kowloon).	One year	\$ 100	Commissioner of Police."


(4) In the Second Schedule delete Forms 3 and 4.
The Regulations are revoked.

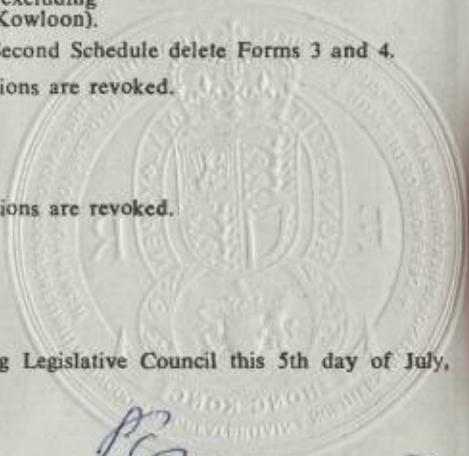
ers)

The Regulations are revoked.

a-

the Hong Kong Legislative Council this 5th day of July,


Clerk to the Legislative Council.

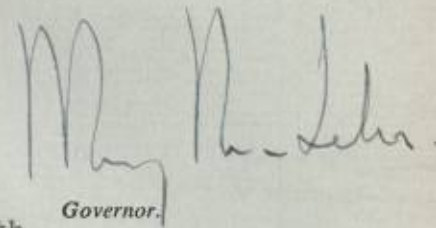


HONG KONG

No. 55 OF 1978



I assent.


Governor.

5th
~~6th~~ July, 1978.

An Ordinance to amend the Jury Ordinance.

[7th July, 1978]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Jury (Amendment) Ordinance 1978. Short title.

2. Section 25 of the principal Ordinance is repealed and replaced by the following— Repeal and replacement of section 25. (Cap. 3.)

"Death or discharge of juror.

25. (1) A court may at any time during the trial of any action, suit, information or indictment prior to the verdict discharge a juror—

- (a) where, in the interests of justice, it appears to the court expedient to do so; or
- (b) in the interests of the juror.

(2) Where a member of the jury dies or is discharged by the court under subsection (1), the jury shall nevertheless, subject to subsection (3), be considered as remaining properly constituted for all the purposes of the action, suit, information or indictment then being tried.

(3) In the event of the death or discharge by the court under subsection (1) of any juror during the trial of any action, suit, information or indictment, the trial of such action, suit, information or indictment shall be proceeded with in like manner as if the full number of jurors had continued to serve on the jury, and any verdict returned by the remaining jurors, or in civil cases by a majority, or in criminal cases by a majority consisting of not less than five of the remaining jurors shall be of equal validity as if it had been returned by a jury consisting of the full number of jurors:

Provided that in a criminal trial for an offence punishable with death, the jury shall consist of not less than six, and in any other case, civil or criminal, the jury shall consist of not less than five."

Amendment of
section 32.

3. Section 32 of the principal Ordinance is amended—

- (a) by being renumbered as subsection (1) thereof; and
(b) by deleting that part thereof appearing after paragraph (c) and substituting the following—

"he shall be guilty of an offence and liable to a fine of \$3,000.

(2) A person shall not be liable to a fine under subsection (1) if he can show some reasonable cause for his failure to comply with the summons, or for not appearing or for withdrawing himself without permission."

Amendment of
section 33.

4. Section 33(2) of the principal Ordinance is amended by deleting "three thousand dollars" and substituting the following—
"\$5,000".

Passed by the Hong Kong Legislative Council this 5th day of July, 1978.



Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

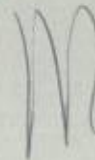


Clerk to the Legislative Council.

No. 56 of 1978



I assent



Go

5th

der subsection (1) of any juror during the trial or any
tion, suit, information or indictment, the trial of such
tion, suit, information or indictment shall be proceeded
th in like manner as if the full number of jurors had
ntinued to serve on the jury, and any verdict returned
the remaining jurors, or in civil cases by a majority, or
criminal cases by a majority consisting of not less than
e of the remaining jurors shall be of equal validity as if
had been returned by a jury consisting of the full number
jurors:

Provided that in a criminal trial for an offence punish-
le with death, the jury shall consist of not less than six,
d in any other case, civil or criminal, the jury shall con-
t of not less than five."

32 of the principal Ordinance is amended—

ng renumbered as subsection (1) thereof; and

esting that part thereof appearing after paragraph (c) and
ting the following—

shall be guilty of an offence and liable to a fine of \$3,000.

(2) A person shall not be liable to a fine under sub-
tion (1) if he can show some reasonable cause for his
lure to comply with the summons, or for not appearing
for withdrawing himself without permission."

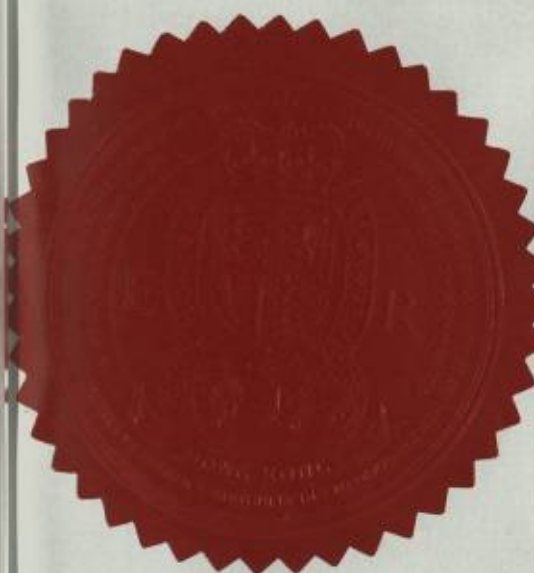
33(2) of the principal Ordinance is amended by deleting
dollars" and substituting the following—

"\$5,000".

HONG KONG

No. 56 OF 1978

I assent.



Murray N. Lehn

Governor.

5th
6th July, 1978.

An Ordinance to amend the Crown Leases Ordinance.

[7th July, 1978]

Enacted by the Governor of Hong Kong, with the advice and consent
of the Legislative Council thereof.

1. This Ordinance may be cited as the Crown Leases (Amendment) Short title.
Ordinance 1978.

2. Section 9 of the principal Ordinance is amended—

Amendment of
section 9.

(a) in subsection (1) by inserting after "lot or section" the following— (Cap. 40.)
"held under the new Crown lease";

(b) by deleting subsections (2) and (3) and substituting the following—

"(2) Subject to the provisions of this section, the rateable
value for the purposes of this section of a lot or section held
under a new Crown lease is the rateable value or interim
valuation as set out on the relevant day in the list declared
under section 13 of the Rating Ordinance, of the tenement,
or, if there is more than one tenement, the aggregate of the
rateable values and interim valuations as so set out of all
the tenements comprised wholly or partly in the lot or section
held under the new Crown lease.

(Cap. 116.)

(56 of 1978.)

(3) (a) Where after the commencement of the Crown Leases (Amendment) Ordinance 1978 or the relevant day, whichever is the later, an interim valuation is made by the Commissioner under the Rating Ordinance of any tenement comprised wholly or partly in a lot or section held under a new Crown lease consequent upon the redevelopment of the lot or section, then with effect from the first day of the month following that in which the interim valuation becomes effective under the Rating Ordinance or the relevant day, whichever is the later, and notwithstanding subsection (2), the rateable value of the lot or section for the purposes of this section is the aggregate of—

(i) the rateable value of the lot or section as last ascertained under this section; and

(ii) the interim valuation, less that portion, if any, of the rateable value under sub-paragraph (i) attributable to a tenement or part of a tenement included in or replaced by the tenement to which the interim valuation relates:

Provided that this subsection shall not apply to any lot or section if its effect would be to reduce the rateable value of that lot or section to less than it would have been had the interim valuation not been made.

(b) For the purposes of paragraph (a) "redevelopment" in relation to a lot or section means the construction wholly or partly on the lot or section of a new building.

(3A) For the purposes of subsections (2) and (3), a tenement shall be deemed to be comprised partly in a lot or section if the building in which it is contained stands partly on the lot or section; and where a tenement is so deemed to be comprised partly in a lot or section, there shall be included for the purpose of determining the rateable value of the lot or section only that proportion of the rateable value in the list declared under section 13 of the Rating Ordinance or the interim valuation of the tenement as the area of the lot or section bears to the area of all the lots or sections on which the building stands; and

(c) in subsection (7) by deleting "forming" and substituting the following—

"comprising".

3. Section 13 of the principal Ordinance is amended—

(a) in subsection (1) by deleting "of which land held under a new Crown lease forms part" and substituting the following—

"comprised in land held under a new Crown lease";

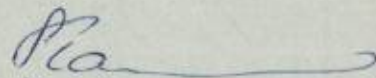
(b) by deleting subsections (3) and (4) and substituting the following—

"(3) Where under this section any sum is paid by a person who is not an owner of the tenement in respect of which the sum is paid under subsection (2), then the sum so paid shall be a debt due to that person from the owner of the tenement and shall be recoverable as such from any rent or other moneys for the time being due by that person to the owner.

Amendment of
section 13.

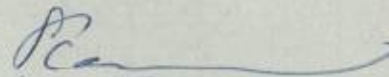
(4) In this section "owner" in relation to a tenement means the person whose name is registered in the Land Office as that of the owner of the tenement or of any undivided share therein, and any person deriving title from such person by virtue of an underletting or otherwise."

Passed by the Hong Kong Legislative Council this 5th day of July, 1978.



Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.



Clerk to the Legislative Council.

No. 57 OF 1978



I assen

A handwritten signature in blue ink, consisting of stylized, cursive letters.

Gov

HONG KONG

No. 57 OF 1978



I assent.

Governor.

5th
6th July, 1978.

An Ordinance to amend the Public Health and Urban Services Ordinance.

[7th July, 1978]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Public Health and Urban Services (Amendment) (No. 2) Ordinance 1978. Short title.

2. Section 2 of the principal Ordinance is amended—

Amendment of section 2.

(a) in the definition of "food" by deleting paragraph (a) and substituting the following—

(Cap. 132.)

"(a) live animals, live birds or live fish (excluding shell fish);

(aa) water, other than water from natural springs, either in its natural state or with added mineral substances, distilled water and aerated water;" and

(b) in the definition of "market" by deleting "Governor" and substituting the following—

"Authority".

3. Section 56 of the principal Ordinance is amended by inserting after subsection (3) the following subsection—

Amendment of section 56.

"(3A) Regulations made under this section containing provisions—

(a) requiring the registration or licensing of premises, businesses or persons; or

(b) restricting the sale, possession or use of specified foods, may empower a specified public officer or public body, by notice in the *Gazette*, to grant exemptions from such provisions or any of them."

Amendment of section 125.

4. Section 125 of the principal Ordinance is amended by inserting after subsection (6) the following subsection—

"(6A) Where any person who is registered, or who is the grantee of any licence or permit issued under the provisions of this Ordinance is not, in the opinion of the licensing authority, carrying on the business or activity to which such registration, licence or permit relates, the licensing authority may cancel the same without notice."

Amendment of section 143.

5. Section 143(a) of the principal Ordinance is amended—

(a) by deleting "two thousand dollars" and substituting the following—

"\$10,000"; and

(b) by deleting "fifty dollars" and substituting the following—

"\$250".

Amendment of Ninth Schedule.

6. The Ninth Schedule to the principal Ordinance is amended—

(a) by deleting the item commencing with the expression "27(2)(a) or (3)" and substituting the following item—

"27(2)(a) or (3) \$5,000 fine \$100 fine"; and

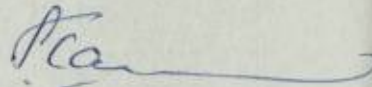
(b) by deleting the item commencing with the expression "128(3)" and substituting the following item—

"128(3) \$25,000 fine and \$500 fine".
12 months imprisonment

Transitional provision.
(Cap. 132,
sub. leg.)

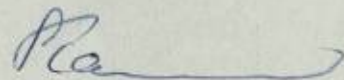
7. Notwithstanding any provision in the Food Business By-laws or the Food Business (New Territories) Regulations to the effect that a licence is required in respect of a food factory in which water from natural springs, distilled water or aerated water is prepared or manufactured for sale for human consumption, no such licence shall be required to be held before 1st December 1978.

Passed by the Hong Kong Legislative Council this 5th day of July, 1978.



Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.



Clerk to the Legislative Council.

No. 58 of 1978



I assen



Gov

5th
5th July, 1978

quiring the registration or licensing of premises, businesses
persons; or
tracting the sale, possession or use of specified foods,
er a specified public officer or public body, by notice in
to grant exemptions from such provisions or any of

125 of the principal Ordinance is amended by inserting
(6) the following subsection—

Where any person who is registered, or who is the grantee
of a licence or permit issued, under the provisions of this Ordinance,
in the opinion of the licensing authority, carrying on
any business or activity to which such registration, licence or permit
of the licensing authority may cancel the same without notice."

143(a) of the principal Ordinance is amended—

deleting "two thousand dollars" and substituting the
word—

"\$10,000"; and

deleting "fifty dollars" and substituting the following—
"250".

Fourth Schedule to the principal Ordinance is amended—

deleting the item commencing with the expression "27(2)(a)"
and substituting the following item—

27(2)(a) or (3) \$5,000 fine \$100 fine"; and

deleting the item commencing with the expression "128(3)"
and substituting the following item—

128(3) \$25,000 fine and \$500 fine".

HONG KONG

No. 58 OF 1978



I assent.

Governor.

5th
9th July, 1978.

An Ordinance to amend the Widows' and Children's Pensions Ordinance
1977.

[7th July, 1978]

Enacted by the Governor of Hong Kong, with the advice and consent
of the Legislative Council thereof.

1. This Ordinance may be cited as the Widows' and Children's Short title.
Pensions (Amendment) Ordinance 1978.

2. Section 28 of the principal Ordinance is amended by inserting Amendment of
the following subsection— section 28.
(75 of 1977.)

"(4) A public officer in service as a public officer under the Govern-
ment at the commencement of this Ordinance who ceased or ceases
to be a public officer prior to the expiration of the period within which
he may make an election under section 3(1)(a)(i), shall, until the
expiration of that period be deemed to be a public officer in service
under the Government for the purposes of section 3(1)(a)(i)."

Passed by the Hong Kong Legislative Council this 5th day of July,
1978.

Clerk to the Legislative Council.

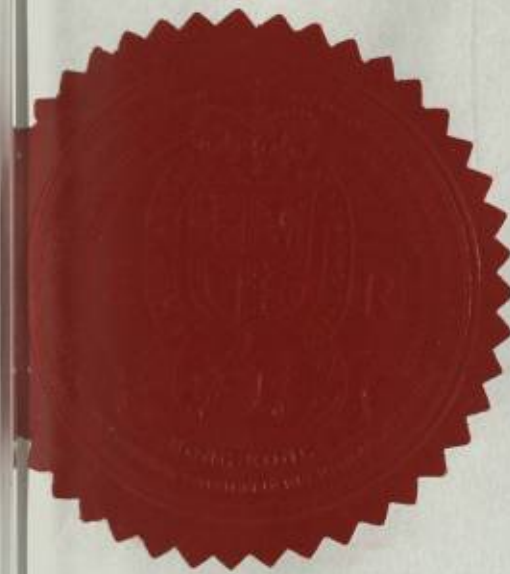
This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

[Handwritten signature]

Clerk to the Legislative Council.



No. 59 OF 1978

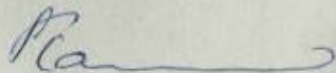


I assent

[Handwritten signature]

Gov

it, and is found by me to be a true and correctly
of the said bill.



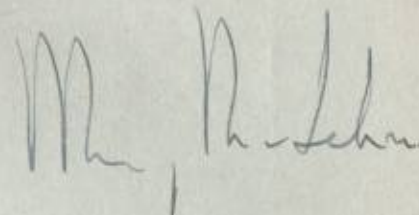
Clerk to the Legislative Council.



HONG KONG

No. 59 OF 1978

I assent.



5th Governor.
5th July, 1978.

An Ordinance to amend the Widows and Orphans Pension Ordinance.

[7th July, 1978]

Enacted by the Governor of Hong Kong, with the advice and consent
of the Legislative Council thereof.

1. This Ordinance may be cited as the Widows and Orphans Pension Short title.
(Amendment) Ordinance 1978.

2. Section 35 of the principal Ordinance is amended by inserting at
the end immediately after "contribute" the following—

" , or, he shall receive back such contributions as would have been
due to him had he elected to discontinue being a contributor and had
left the public service on the date of his ceasing to contribute".

Amendment of
section 35.
(Cap. 94.)

Passed by the Hong Kong Legislative Council this 5th day of July,
1978.



Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

[Handwritten signature]

Clerk to the Legislative Council.



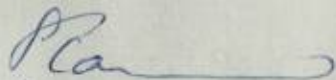
No. 60 OF 1978



I assent.

[Handwritten signature]
Acting Governor

Bill, and is found by me to be a true and correctly
copy of the said bill.



Clerk to the Legislative Council.

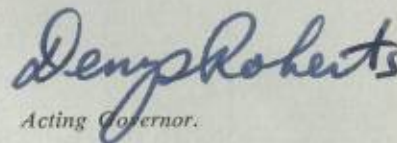


HONG KONG

No. 60 OF 1978



I assent.



Acting Governor.

20th July, 1978.

An Ordinance to amend the Audit Ordinance.

[21st July, 1978]

Enacted by the Governor of Hong Kong, with the advice and consent
of the Legislative Council thereof.

1. This Ordinance may be cited as the Audit (Amendment) Ordinance 1978. Short title.

2. Section 8(1) of the principal Ordinance is amended by deleting
“, on behalf of the Governor.”. Amendment of
section 8.
(Cap. 122.)

3. Section 12 of the principal Ordinance is amended— Amendment of
section 12.

(a) in subsection (1)(b) by inserting after “submit to the Governor”
the following—

“as President of the Legislative Council”;

(b) by deleting subsection (2) and substituting the following—

“(2) Within the period of three months, or such longer
period as the Governor may determine, after the receipt of
the report and certified statements from the Director under
subsection (1), a copy of the report and certified statements,

together with a copy of the report of the Public Accounts Committee of the Legislative Council, shall—

- (a) be laid before the Legislative Council; and
- (b) be submitted to the Secretary of State.”;
- (c) in subsection (3)(a) by inserting after “Governor” the following—
“as President of the Legislative Council”.

Amendment of
section 13.

4. Section 13 of the principal Ordinance is amended—

- (a) by renumbering it as subsection (1) thereof;
- (b) by inserting after “Governor” the following—
“as President of the Legislative Council”; and
- (c) by adding the following new subsection—

“(2) Any such report shall be dealt with in accordance with subsection (2) of section 12 as if it were a report submitted under subsection (1) of that section.”.

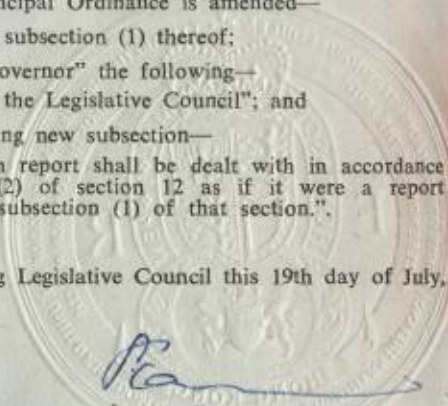
Passed by the Hong Kong Legislative Council this 19th day of July, 1978.



[Signature]

Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.



[Signature]

Clerk to the Legislative Council.

No. 61 OF 1978



I assent.

[Signature]
Acting Governor

Committee of the Legislative Council, shall—

- (a) be laid before the Legislative Council; and
- (b) be submitted to the Secretary of State.”;

subsection (3)(a) by inserting after “Governor” the following—
“as President of the Legislative Council”.

Section 13 of the principal Ordinance is amended—
renumbering it as subsection (1) thereof;

inserting after “Governor” the following—
“as President of the Legislative Council”; and

adding the following new subsection—

“(2) Any such report shall be dealt with in accordance with subsection (2) of section 12 as if it were a report submitted under subsection (1) of that section.”.

Enacted by the Hong Kong Legislative Council this 19th day of July,



Clerk to the Legislative Council.

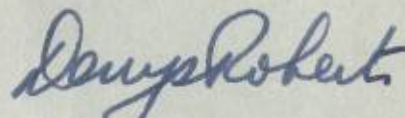
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and found by me to be a true and correct

HONG KONG

No. 61 OF 1978



I assent.



Acting Governor.

20th July, 1978.

An Ordinance to amend the Inland Revenue Ordinance.

[]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Inland Revenue (Amendment) Ordinance 1978 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.

Short title and commencement.

2. Section 28 of the principal Ordinance is amended—

Amendment of section 28. (Cap. 112.)

(a) in paragraph (a) of the proviso to subsection (1) by deleting “a rate not exceeding such rate or rates as may be specified in the Fourth Schedule” and substituting the following—

“such rate or rates, not exceeding 5 per cent per annum, as the Financial Secretary may specify by notice in the *Gazette*”;

(b) in subsection (2) by deleting “and the Fourth Schedule, but the Fourth Schedule shall not be amended so as to specify a rate in excess of 5 per cent per annum”.

3. The Fourth Schedule to the principal Ordinance is deleted.

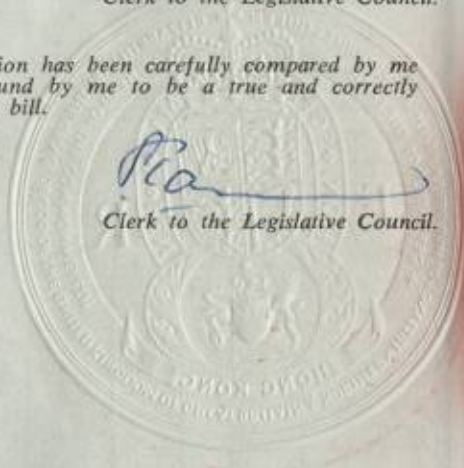
Deletion of Fourth Schedule.

Passed by the Hong Kong Legislative Council this 19th day of July, 1978.

[Handwritten signature]

Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.



Clerk to the Legislative Council.

HONG KONG

No. 62 OF 1978



I assent.

[Handwritten signature]
Acting Govern.

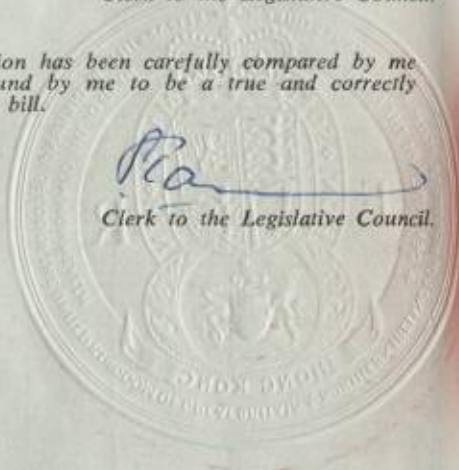
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Clerk to the Legislative Council.

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copy of the said bill.

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Clerk to the Legislative Council.



HONG KONG

No. 62 OF 1978



I assent.

Douglas Roberts

Acting Governor.

20th July, 1978.

An Ordinance to amend the Inland Revenue Ordinance.

[18th July, 1978]

Enacted by the Governor of Hong Kong, with the advice and consent
of the Legislative Council thereof.

1. This Ordinance may be cited as the Inland Revenue (Amendment)
(No. 2) Ordinance 1978 and shall be deemed to have come into operation
on the 18th July 1978. Short title and
commencement.

2. The Fourth Schedule to the principal Ordinance is amended by
adding the following— Amendment
of Fourth
Schedule.
(Cap. 112.)

“Government and
banks licensed
under the
Banking Ordinance

2½

18th July 1978”.

Passed by the Hong Kong Legislative Council this 19th day of July,
1978.

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Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

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Clerk to the Legislative Council.



No. 63 OF 1978



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Clerk to the Legislative Council.



HONG KONG

No. 63 OF 1978



I assent.

Douglas Roberts
Acting Governor.
20th July, 1978.

An Ordinance to amend the Training Centres Ordinance.

[21st July, 1978]

Enacted by the Governor of Hong Kong, with the advice and consent
of the Legislative Council thereof.

1. This Ordinance may be cited as the Training Centres (Amend- Short title.
ment) Ordinance 1978.
2. Section 3 of the principal Ordinance is amended by deleting "Governor" wherever it occurs and substituting in each case the following— Amendment of
"Secretary for Security". section 3.
(Cap. 280.)
3. Section 5A of the principal Ordinance is amended— Amendment of
section 5A.
 - (a) by being re-numbered as subsection (1);
 - (b) in subsection (1)(a) by inserting after "less" the following—
"and the sentence of imprisonment is not suspended"; and
 - (c) by inserting after subsection (1) the following new subsection—
"(2) A sentence of detention in a training centre, or a
supervision notice or order of recall under section 5, passed
on, given to or made against any person on whom a suspended
sentence of imprisonment has been passed (whether passed,

given or made before or after the suspended sentence was passed) shall, if that suspended sentence is ordered to take effect, be suspended until the expiration of his term of imprisonment."

Passed by the Hong Kong Legislative Council this 19th day of July, 1978.



This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

No. 64 of 1978




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(ed) shall, if that suspended sentence is ordered to take effect, be suspended until the expiration of his term of imprisonment."

at the Hong Kong Legislative Council this 19th day of July,


Clerk to the Legislative Council.

A true and correct impression has been carefully compared by me with the original, and is found by me to be a true and correct impression of the said bill.


Clerk to the Legislative Council.

HONG KONG

No. 64 OF 1978

I assent.



Acting Governor.

20th July, 1978.

An Ordinance to amend the Federation of Hong Kong Industries Ordinance.

[21st July, 1978]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Federation of Hong Kong Industries (Amendment) Ordinance, 1978. Short title.

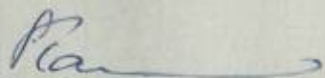
2. Section 6 of the principal Ordinance is amended by inserting after paragraph (e) the following— Amendment of section 6. (Cap. 321.)

(Cap. 43.) "(ea) operate certification and marking schemes, and apply for certification trade marks under the Trade Marks Ordinance, for goods which are produced, processed or manufactured in Hong Kong;"

3. Section 34(3) of the principal Ordinance is amended in paragraph (a) by deleting "three" and substituting the following— Amendment of section 34.

"five".

Passed by the Hong Kong Legislative Council this 19th day of July, 1978.



Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.



Clerk to the Legislative Council.

No. 65 OF 1978



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Clerk to the Legislative Council.

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of the said bill.



Pla
Clerk to the Legislative Council.

HONG KONG

No. 65 OF 1978



I assent.

Douglas Roberts
Acting Governor.
20th July, 1978.

An Ordinance to amend the Merchant Shipping Ordinance.

[]

Enacted by the Governor of Hong Kong, with the advice and consent
of the Legislative Council thereof.

1. This Ordinance may be cited as the Merchant Shipping (Amendment) (No. 2) Ordinance 1978 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*. Short title and commencement.
2. The principal Ordinance is amended by adding after Part XIV the following new Part— Addition of new Part XIV A. (Cap. 281.)

"PART XIV A

COMPULSORY INSURANCE FOR PLEASURE VESSELS

Interpretation. **107B.** In this Part, unless the context otherwise requires—

(Cap. 34.)

"authorized insurer" means any insurer who has complied with the requirements of the Fire and Marine Insurance Companies Deposit Ordinance and also means any insurer who is exempted under section 11 of that Ordinance;

"owner" in relation to a pleasure vessel, includes the person who is deemed to be the owner thereof by virtue of the Merchant Shipping (Pleasure Vessels) Regulations;

(Cap. 281,
sub. leg.)

"pleasure vessel" means any launch, yacht, inflatable vessel, junk, lorch or other vessel which is licensed or liable to be licensed under the Merchant Shipping (Pleasure Vessels) Regulations.

Obligation
on users of
pleasure vessels
to be insured
against third
party risks.

107C. (1) No owner of a pleasure vessel may use, or cause or permit any other person to use, that pleasure vessel in the waters of the Colony unless there is in force in relation to the user of the vessel by such owner or that other person, as the case may be, such policy of insurance as complies with section 107D.

(2) If a person contravenes subsection (1) he commits an offence and is liable to a fine of \$10,000 and to imprisonment for 12 months.

Requirements
in respect of
policies.

107D. (1) For the purposes of section 107C(1) a policy of insurance must be a policy which—

- (a) is issued by an authorized insurer; and
- (b) insures such person, persons or classes of persons as may be specified in the policy in respect of any liability which may be incurred by him or them in respect of the death of or bodily injury to any person caused by or arising out of the use of the pleasure vessel in the waters of the Colony:

Provided that such a policy shall not be required to cover—

- (i) liability in respect of the death arising out of and in the course of his employment of a person in the employment of a person insured by the policy or of bodily injury sustained by such a person arising out of and in the course of his employment; or
- (ii) any contractual liability; or
- (iii) any liability in respect of any one accident or series of accidents arising out of the same event exceeding \$600,000.

(2) Notwithstanding anything in any law, an authorized insurer issuing a policy of insurance under this section shall be liable to indemnify the persons or classes of persons specified in the policy in respect of any liability which the policy purports to cover in the case of those persons or classes of persons.

Certain condi-
tions to policies
to be of no
effect.

107E. (1) Subject to subsection (2) any condition in a policy issued or given for the purposes of section 107C providing that no liability shall arise under the policy or that any liability so arising shall cease, in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy, shall be of no effect in connexion with such claims as are mentioned in section 107D(1)(b).

(2) Nothing in this section shall be taken to render void any provisions in a policy requiring the person insured

to repay to the insurer any sums which the latter may have become liable to pay under the policy and which have been applied to the satisfaction of the claims of third parties.

Duty of
insurers
to satisfy
judgments
against persons
insured in
respect of
third party
risks.

107F. (1) If, after a policy has been effected, judgment in respect of any such liability as is required to be covered by such policy under section 107D(1)(b) (being a liability covered by the terms of the policy) is obtained against any person insured by the policy, then, notwithstanding that the authorized insurer may be entitled to avoid or cancel, or may have avoided or cancelled, the policy, the authorized insurer shall, subject to this section, pay to the persons entitled to the benefit of the judgment any sum payable thereunder in respect of the liability, including any amount payable in respect of costs and any sum payable in respect of interest on that sum by virtue of any law relating to interest on judgments:

Provided that where the liability covered by the policy is limited as provided by paragraph (iii) of the proviso to section 107D(1)(b) the authorized insurer shall not be required to pay any sum in excess of \$600,000.

(2) No sum shall be payable by an authorized insurer under subsection (1)—

- (a) in respect of any judgment, unless before or within 7 days after the commencement of the proceedings in which the judgment was given, the authorized insurer had notice of the bringing of the proceedings; or
- (b) in respect of any judgment, so long as execution thereon is stayed pending an appeal; or
- (c) in connexion with any liability, if before the happening of the event which was the cause of the death or bodily injury giving rise to the liability the policy was cancelled by mutual consent or by virtue of any provision contained therein, and either—

(i) before the happening of the said event the policy was surrendered to the authorized insurer, or the person in whose favour the policy was issued made a statutory declaration stating that the policy had been lost or destroyed; or

(ii) after the happening of the said event, but before the expiration of a period of 14 days from the taking effect of the cancellation of the policy, the policy was surrendered to the authorized insurer, or the person in whose favour the policy was issued made such a statutory declaration as aforesaid.

(3) No sum shall be payable by an authorized insurer under this section if, in an action commenced before, or within 3 months after, the commencement of the proceedings in which the judgment was given, he has obtained a declaration that, apart from any provision contained in the policy, he is entitled to avoid it on the ground that it was obtained by the non-disclosure of a material fact, or by a representation of fact which was false in some material particular, or, if he has avoided the policy on that ground, that he was entitled so to do apart from any provision contained in it:

Provided that an authorized insurer who has obtained such a declaration as aforesaid in an action shall not thereby become entitled to the benefit of this subsection as respects any judgment obtained in proceedings commenced before the commencement of that action, unless before or within 7 days after the commencement of that action he has given notice thereof to the person who is the plaintiff in the said proceedings specifying the non-disclosure or false representation on which he proposes to rely, and any person to whom notice of such an action is so given shall be entitled, if he thinks fit, to be made a party thereto.

(4) If the amount which an authorized insurer becomes liable under this section to pay in respect of a liability of a person insured by a policy exceeds the amount for which he would, apart from this section, be liable under the policy in respect of that liability, he shall be entitled to recover the excess from that person.

(5) In this section, the expression "material" means of such a nature as to influence the judgment of a prudent insurer in determining whether he will take the risk, and, if so, at what premium and on what conditions; and the expression "liability covered by the terms of the policy" means a liability which is covered by the policy or which would be so covered but for the fact that the insurer is entitled to avoid or cancel, or has avoided or cancelled, the policy.

Bankruptcy, etc., of insured persons not to affect certain claims by third parties. (Cap. 273.)

107G. Where a policy of insurance has been issued under section 107D in favour of any person, the happening in relation to any person insured by the policy of any such event as is mentioned in subsection (1) or (2) of section 2 of the Third Parties (Rights against Insurers) Ordinance shall, notwithstanding anything in that Ordinance, not affect any such liability of that person as is required to be covered by a policy under section 107D(1)(b), but nothing in this section shall affect any rights against the authorized insurer conferred by that Ordinance on the person to whom the liability was incurred.

Avoidance of restrictions on scope of policies covering third party risks.

107H. (1) Where a policy of insurance has been issued under section 107D in favour of any person, so much of the policy as purports to restrict the insurance of the persons insured thereby by reference to any of the following matters—

- (a) the age or physical or mental condition of persons in charge of the pleasure vessel; or
- (b) the condition of the vessel; or
- (c) the number of persons that the vessel carries; or
- (d) the times at which or the areas within which the vessel is used; or
- (e) the horsepower or value of the vessel's engine; or
- (f) the carrying on the vessel of any particular apparatus; or
- (g) the carrying on the vessel of any particular means of identification other than any means of identification required to be carried by or under this Ordinance or any regulations made hereunder,

shall, as respects such liabilities as are required to be covered by a policy under section 107D(1)(b), be of no effect:

Provided that nothing in this section shall require an authorized insurer to pay any sum in respect of the liability of any person otherwise than in or towards the discharge of that liability, and any sum paid by an authorized insurer in or towards the discharge of any liability of any person which is covered by the policy by virtue only of this section shall be recoverable by the insurer from that person.

(2) Where a person uses, or causes or permits any person to use, a pleasure vessel in the waters of the Colony in such circumstances that under section 107C there is required to be in force in relation to his use of it such a policy of insurance in respect of third party risks as complies with the requirements of this Part, then, if any other person is carried aboard the vessel while the user is so using it, any antecedent agreement or understanding between them (whether intended to be legally binding or not) shall be of no effect so far as it purports or might be held—

- (a) to negative or restrict any such liability of the user in respect of persons carried in or upon the vessel as is required by section 107D(1)(b) to be covered by a policy of insurance; or
- (b) to impose any conditions with respect to the enforcement of any such liability of the user,

and the fact that a person so carried has willingly accepted as his the risk of negligence on the part of the user shall not be treated as negating any such liability of the user.

(3) For the purposes of subsection (2)—

- (a) references to a person being carried aboard a pleasure vessel include references to a person boarding or disembarking from, the vessel; and
- (b) the reference to any antecedent agreement is to one made at any time before the liability arose.

Duty of person against whom claims are made to give information as to insurance.

107I. (1) Any person against whom a claim is made in respect of any such liability as is required to be covered by a policy under section 107D(1)(b) shall, on demand by or on behalf of the person making the claim, state whether or not he was insured in respect of that liability by any policy having effect for the purpose of this Part, or would have been so insured if the authorized insurer had not avoided or cancelled the policy, and, if he was or would have been so insured, give particulars with respect to that policy.

(2) If, without reasonable excuse, any person fails to comply with subsection (1), or wilfully makes any false statement in reply to any such demand, he commits an offence and is liable to a fine of \$1,000 and to imprisonment for 3 months.

Requirements as to production of policy.

107J. The owner of a pleasure vessel which is being used in the waters of the Colony, or any person so using a pleasure vessel, shall, on being so required by any police officer, the Director or any officer authorized by the Director, produce his policy of insurance, and if he fails to do so he commits an offence and is liable to a fine of \$1,000 and to imprisonment for 3 months:

Provided that, if the owner of the pleasure vessel or the person using it within 5 days after the date on which the production of the policy of insurance was so required, produces the policy of insurance or satisfactory evidence that a policy has been effected, in person at such place as may have been specified by him at the time the production of the policy was required, he shall not be convicted under this section of the offence of failing to produce the policy.

Records of insurance.

107K. (1) Every authorized insurer by whom a policy is issued for the purposes of this Part shall keep a record of the following particulars relative thereto—

- (a) the full name and address of the person to whom the policy is issued;
- (b) the description of the type of the pleasure vessel to which the policy relates and, where known, the name and licence number of the vessel;
- (c) the date on which the policy comes into force and the date on which it expires;
- (d) the conditions subject to which the persons or classes of persons specified in the policy will be indemnified,

and every such record shall be preserved for 1 year from the date of expiry of the policy.

(2) Every authorized insurer by whom records are required to be kept under subsection (1) shall, without charge, furnish to the Director or the Commissioner of Police on request any particulars thereof.

Termination of policy.

107L. Where to the knowledge of an authorized insurer a policy issued by him for the purposes of this Part ceases to be effective without the consent of the person to whom it was issued otherwise than by effluxion of time or by reason of his death, the insurer shall forthwith notify the Director and the Commissioner of Police of the date on which the policy ceased to be effective.

Production of proof of insurance on application for pleasure vessel licence or on production of licence following transfer of ownership of pleasure vessel.
(Cap. 281, sub. leg.)

107M. (1) Any person—

- (a) applying for a pleasure vessel licence under regulation 3 of the Merchant Shipping (Pleasure Vessels) Regulations;
- (b) producing a pleasure vessel licence to the Director for endorsement following a transfer of ownership to him under regulation 6 of the Merchant Shipping (Pleasure Vessels) Regulations,

shall, upon such application or production, produce to the Director any necessary policy of insurance, or such other documentary proof as shall be sufficient to indicate that—

- (i) on the date when such pleasure vessel licence takes effect there will be in operation; or
- (ii) in the case of a transfer of ownership there is in operation,

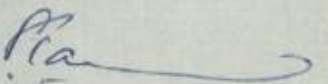
such policy of insurance in respect of third party risks as is required under section 107C.

(2) The Director shall not issue a pleasure vessel licence to any applicant who fails to comply with subsection (1).

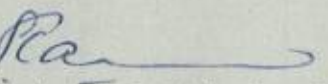
Offences and penalties.

107N. Any authorized insurer who contravenes section 107K or 107L commits an offence and is liable to a fine of \$1,000 and to imprisonment for 3 months."

Passed by the Hong Kong Legislative Council this 19th day of July, 1978.


Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.


Clerk to the Legislative Council.

No. 66 of 1978




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Acting G

HONG KONG

No. 66 OF 1978

I assent.



David Roberts

Acting Governor.

20th July, 1978.

An Ordinance to amend the Mass Transit Railway (Land Resumption and Related Provisions) Ordinance.

[21st July, 1978]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Mass Transit Railway (Land Resumption and Related Provisions) (Amendment) Ordinance 1978. Short title.
2. Section 2 of the principal Ordinance is amended in the definition of "stages 1 to 4 of the railway" by— Amendment of section 2. (Cap. 276.)
 - (a) inserting after "stages 1 to 4" the following—
"and stage 6"; and
 - (b) deleting "Lai Chi Kok Bay" and substituting the following—
"Tso Kung Tam, Tsuen Wan".
3. Section 15(3) of the principal Ordinance is amended by inserting, after "stages 1 to 4", the following— Amendment of section 15.
"and stage 6".
4. Section 21 of the principal Ordinance is amended— Amendment of section 21.

(a) by inserting after subsection (6) the following—

“(6A) In relation to any claim under item 6 of Part I of the First Schedule—

- (a) subsections (4), (5) and (6) shall not apply;
- (b) the Director may by notice in writing to the claimant request him to furnish further particulars of and in support of his claim or any item thereof within a period of 28 days from the date of the notice, or within such further period as the Director may in writing allow;
- (c) prior to the commencement of proceedings with the Lands Tribunal the Director may by notice in writing offer to the claimant such sum (inclusive or exclusive of costs) as the Crown is willing to pay in full and final settlement of the claim or any part thereof, as the case may be.”; and

(b) in subsection (8), by inserting after “subsection (4)” the following—

“or (6A)(b)”.

Amendment of section 23.

5. Section 23 of the principal Ordinance is amended by inserting after “section 21(6)(a)”, in each place where it occurs, the following—

“or 21(6A)(c)”.

Amendment of section 29.

6. Section 29 of the principal Ordinance is amended by adding, after subsection (2), the following—

“(3) The Director of Public Works may in writing authorize any person, who is not a public officer, either generally or in any particular case, to exercise any of the powers and functions conferred on him by section 21(4) or 21(6A)(b) if he is satisfied that such person is qualified to exercise such powers and functions.”.

Amendment of First Schedule.

7. Part I of the First Schedule to the principal Ordinance is amended in items 11 and 12 by inserting, after “stages 1 to 4”, the following—

“and stage 6”.

Passed by the Hong Kong Legislative Council this 19th day of July, 1978.

Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

Clerk to the Legislative Council.

No. 67 OF 1978



I assent

Acting Governor
20th July, 1978

An Ordinance to amend the Boilers and Pressure Receiver

In relation to any claim under item 6 of Part I of the schedule—

subsections (4), (5) and (6) shall not apply;

the Director may by notice in writing to the claimant request him to furnish further particulars of and in support of his claim or any item thereof within a period of 28 days from the date of the notice, or within such further period as the Director may in writing allow;

prior to the commencement of proceedings with the Lands Tribunal the Director may by notice in writing offer to the claimant such sum (inclusive or exclusive of costs) as the Crown is willing to pay in full and final settlement of the claim or any part thereof, as the case may be.”; and

section (8), by inserting after “subsection (4)” the

“or (6A)(b)”.

23 of the principal Ordinance is amended by inserting 6)(a)”, in each place where it occurs, the following—

“or 21(6A)(c)”.


29 of the principal Ordinance is amended by adding, after the following—

Director of Public Works may in writing authorize any person who is not a public officer, either generally or in any particular case any of the powers and functions conferred on him by section 1(4) or 21(6A)(b) if he is satisfied that such person is exercising such powers and functions.”.

HONG KONG

No. 67 OF 1978

I assent.



Davidsohn
Acting Governor.
20th July, 1978.

An Ordinance to amend the Boilers and Pressure Receivers Ordinance.

[21st July, 1978]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Boilers and Pressure Receivers (Amendment) Ordinance 1978. Short title.

2. The long title to the principal Ordinance is amended by deleting “explosions in” and substituting the following— Amendment of long title.
(Cap. 56.)
“accidents in or to”.

3. Section 2(1) of the principal Ordinance is amended— Amendment of section 2.

(a) by deleting the definition of “existing” which first appears;

(b) by inserting after the definition of “factory inspector” the following definition—

““inspector (land boilers)” means a public officer who has been appointed as an inspector (land boilers) under section 4(1)(d);” and

(c) in both of the definitions of “new” by inserting at the end thereof the following—

“or that is put into use, or intended to be put into use, in circumstances where this Ordinance, after having been in-

applicable thereto by virtue of section 3, first applies thereto in accordance with subsection (3) of that section".

4. Section 3 of the principal Ordinance is amended—

(a) in subsection (1)—

(i) by deleting paragraph (c) and substituting the following—

"(c) a boiler, pressure receiver or steam container that is part of the fixed equipment of a vessel or other floating craft, whether or not the vessel or craft is used or intended for use in navigation;

(ca) an air receiver that is used solely for, or that is part of the equipment used solely for, either or both of the following purposes—

(i) supplying locomotive power to a vehicle intended or adapted for use on a road or tramway;

(ii) operating the ancillary equipment of such a vehicle which is used for the carriage of passengers or goods;" and

(ii) by deleting paragraph (d) and substituting the following—

"(d) a pressure vessel having a maximum storage capacity that does not exceed 1 gallon (or the metric unit equivalent namely 4.54609 litres) of liquid fuel or 277 cubic inches (or the metric unit equivalent namely 4.54609 litres) of fuel vapour; and"; and

(b) by inserting after subsection (2) the following subsection—

"(3) Where a boiler or pressure receiver is, or is intended to be, put into use in such circumstances that this Ordinance becomes applicable thereto for the first time after having been inapplicable thereto by operation of subsection (1), the provisions of this Ordinance relating to new boilers or pressure receivers shall apply to that boiler or pressure receiver."

5. Section 4(1) of the principal Ordinance is amended—

(a) in paragraph (b) by deleting "and";

(b) in paragraph (c) by deleting the full stop and substituting the following—

"; and"; and

(c) by inserting the following paragraph—

"(d) such number of public officers as he considers necessary, having such qualifications as he considers sufficient, to be inspectors (land boilers)."

6. Section 8(1) of the principal Ordinance is amended—

(a) by deleting "explosion has occurred in" and substituting the following—

"accident has occurred in or to";

(b) by deleting "explosion" in both other places where it appears and substituting the following—

"accident".

7. Sections 11 and 12 of the principal Ordinance are repealed.

Amendment of section 3.

Amendment of section 4.

Amendment of section 8.

Repeal of sections 11 and 12.

8. Section 13 of the principal Ordinance is amended by deleting "or, if the boiler or pressure receiver is put into use within thirty days after the commencement of this Ordinance, as soon as practicable". Amendment of section 13.

9. Section 14 of the principal Ordinance is amended by deleting "or, if the steam container is put into use within thirty days after the commencement of this Ordinance, as soon as practicable". Amendment of section 14.

10. Section 15 of the principal Ordinance is amended— Amendment of section 15.

(a) by renumbering it as subsection (1);

(b) by deleting "subsection (1) of section 11 or section 12," and substituting the following—

"section"; and

(c) by inserting the following subsection—

"(2) Where a copy of a document referred to in subsection (1) is not written in the English or Chinese language it shall be accompanied by an English translation."

11. (1) Section 15A of the principal Ordinance is repealed and replaced by the following— Repeal and replacement of section 15A and transitional provision.

"Owner of new boiler, pressure receiver etc. to apply for registration.

15A. The owner of a new boiler, pressure receiver other than a pressure vessel, or steam container shall, not later than thirty days preceding the day on which he intends to put the same into use, apply to the Registrar in the prescribed form for registration of the same under this Ordinance."

(2) Where an owner intends to put a new boiler, pressure receiver other than a pressure vessel, or steam container into use within 2 months after the commencement of this Ordinance, section 15A of the principal Ordinance (as inserted by subsection (1) of this section) shall be deemed in such case to require the owner to apply for registration as soon as practicable after the commencement of this Ordinance.

12. Section 16 of the principal Ordinance is amended by deleting subsection (1) and substituting the following— Amendment of section 16.

"(1) The Registrar shall, upon receipt of the documents required by section 13 or 14, as the case may be, and of an application for registration under section 15A, allot a registration number to the boiler, pressure receiver or steam container and enter particulars of the boiler, pressure receiver or steam container in the appropriate register."

13. Section 18 of the principal Ordinance is amended by deleting "Without prejudice to subsection (2) of section 11, the" and substituting the following— Amendment of section 18.

"The".

14. Section 23 of the principal Ordinance is repealed. Repeal of section 23.

15. Section 27(2) of the principal Ordinance is amended— Amendment of section 27.

(a) in paragraph (a) by inserting, after "50,000 pounds", the following—

"(or the SI equivalent namely 22,680 kilograms); and

- (b) in paragraph (b)—
- (i) in sub-paragraph (i) by inserting, after "25,000 pounds", the following—
 "(or the SI equivalent namely 11,340 kilograms)"; and
- (ii) in sub-paragraph (ii) by inserting, after "100,000 pounds", the following—
 "(or the SI equivalent namely 45,359 kilograms)".

16. Section 38 of the principal Ordinance is amended—

- (a) in subsection (1)—
- (i) by deleting "23,"; and
- (ii) by deleting paragraph (d) and substituting the following—
 "(d) finally, on the first occasion on which steam is again raised therein, the boiler, save for any economizer or superheater that may be fitted therein, shall be—
- (i) examined when it is under the pressure that will be specified in the certificate of fitness as the maximum permissible working pressure at which it may be operated; and
- (ii) subjected by the appointed examiner to a pressure accumulation test if he considers it necessary.";
- (b) in subsection (2) by deleting paragraph (c) and substituting the following—
 "(c) finally, on the first occasion on which steam is raised therein or is again raised therein (as the case may be), the boiler, save for any economizer or superheater that may be fitted therein, shall be—
- (i) examined when it is under the pressure that will be specified in the certificate of fitness as the maximum permissible working pressure at which it may be operated; and
- (ii) subjected to a pressure accumulation test by the appointed examiner except where he considers that the superheater might be damaged thereby.";
- (c) in subsection (3) by deleting paragraph (c) and substituting the following—
 "(c) finally, on the first occasion on which steam is again raised therein, the boiler, save for any economizer or superheater that may be fitted therein, shall be—
- (i) examined when it is under the pressure that will be specified in the certificate of fitness as the maximum permissible working pressure at which it may be operated; and
- (ii) subjected by the appointed examiner to a pressure accumulation test if he considers it necessary."; and
- (d) in subsection (4) by deleting paragraph (b) and substituting the following—
 "(b) on the first occasion on which steam is again raised therein, the boiler, save for any economizer or superheater that may be fitted therein, shall be—
- (i) examined when it is under the pressure that will be specified in the certificate of fitness as the maximum

Amendment of section 38.

permissible working pressure at which it may be operated; and

(ii) subjected by the appointed examiner to a pressure accumulation test if he considers it necessary.".

17. Section 39 of the principal Ordinance is amended—

Amendment of section 39.

- (a) in subsection (1)—
- (i) by deleting "23,"; and
- (ii) in paragraph (d)—
- (A) in sub-paragraph (i) by deleting "or" and substituting the following—
 "and"; and
- (B) in sub-paragraph (ii) by inserting after "test" the following—
 "if he considers it necessary";
- (b) in subsection (2)(c)—
- (i) by inserting after "the steam receiver is" the following—
 ", or is again,"; and
- (ii) in sub-paragraph (i) by deleting "or" and substituting the following—
 "and";
- (c) in subsection (3)(c)—
- (i) in sub-paragraph (i) by deleting "or" and substituting the following—
 "and"; and
- (ii) in sub-paragraph (ii) by inserting after "test" the following—
 "if he considers it necessary"; and
- (d) in subsection (4)(b)—
- (i) in sub-paragraph (i) by deleting "or" and substituting the following—
 "and"; and
- (ii) in sub-paragraph (ii) by inserting after "test" the following—
 "if he considers it necessary".

18. Section 40 of the principal Ordinance is amended—

Amendment of section 40.

- (a) in subsection (1)—
- (i) by deleting "23,"; and
- (ii) in paragraph (d)—
- (A) in sub-paragraph (i) by deleting "or" and substituting the following—
 "and"; and
- (B) in sub-paragraph (ii) by inserting after "test" the following—
 "if he considers it necessary";
- (b) in subsection (2)(c)(i) by deleting "or" and substituting the following—
 "and"; and

(c) in subsection (3)(b)—

(i) in sub-paragraph (i) by deleting "or" and substituting the following—

"and"; and

(ii) in sub-paragraph (ii) by inserting after "test" the following—

"if he considers it necessary".

Amendment of section 42.

19. Section 42(1) of the principal Ordinance is amended by deleting "23,".

Amendment of section 43.

20. Section 43 of the principal Ordinance is amended—

(a) by renumbering subsections (1) and (2) as subsections (2) and (3) respectively; and

(b) by inserting the following subsection—

"(1) Every pressure accumulation test to which a boiler is subjected for the purposes of this Ordinance shall be carried out—

(a) under full firing conditions;

(b) with the feed water shut off; and

(c) with the stop valves closed except to the extent that it is necessary for any stop valve to be open to supply steam to auxiliary equipment for the purposes of the test."

Amendment of section 44.

21. Section 44 of the principal Ordinance is amended—

(a) in subsection (1) by deleting "an existing boiler or pressure receiver that is being examined for the purposes of section 23 or of";

(b) in subsection (3)(b) by deleting "plus fifty pounds per square inch"; and

(c) by deleting subsection (4) and substituting the following—

"(4) An hydraulic test of an air receiver shall, in relation to the pressure that will be specified in the certificate of fitness as the maximum permissible working pressure of the air receiver, be as follows—

(a) in the case of a seamless steel air bottle—

(i) shall be to twice that pressure where the maximum permissible working pressure does not exceed 2,000 pounds per square inch (or the SI equivalent namely 13.789 megapascals);

(ii) shall be to that pressure plus 2,000 pounds per square inch (or the SI equivalent namely 13.789 megapascals) where the maximum permissible working pressure exceeds 2,000 pounds per square inch but does not exceed 4,000 pounds per square inch (or the SI equivalent namely 27.579 megapascals); and

(iii) shall be to one and one-half times that pressure where the maximum permissible working pressure exceeds 4,000 pounds per square inch (or the SI equivalent namely 27.579 megapascals); and

(b) in the case of other air receivers—

(i) shall be to twice that pressure where the maximum permissible working pressure does not exceed 100 pounds per square inch (or the SI equivalent namely 689.476 kilopascals); and

(ii) shall be to one and one-half times that pressure plus 50 pounds per square inch (or the SI equivalent namely 344.738 kilopascals) where the maximum permissible working pressure exceeds 100 pounds per square inch (or the SI equivalent namely 689.476 kilopascals)."

22. Section 46 of the principal Ordinance is repealed.

Repeal of section 46.

23. Section 47 of the principal Ordinance is amended by deleting subsection (1) and substituting the following—

Amendment of section 47.

"(1) Where a new boiler or pressure receiver is being examined for the purposes of section 24, an appointed examiner shall determine the maximum permissible working pressure at which, in his opinion, the boiler or pressure receiver, as the case may be, may be operated."

24. Section 50 of the principal Ordinance is amended—

Amendment of section 50.

(a) in subsection (1) by deleting "subsection (1) of section 11,"; and

(b) in subsection (2) by deleting "12."

25. Section 59(1) of the principal Ordinance is amended by inserting after "portable gas generator" the following—

Amendment of section 59.

"and may for the purpose of such application require that the portable gas generator be examined by an appointed examiner".

26. Section 64(2) of the principal Ordinance is amended by inserting after "by a factory inspector" the following—

Amendment of section 64.

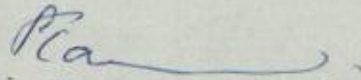
"or by an inspector (land boilers)".

27. Section 66(1) of the principal Ordinance is amended by deleting "and a boiler inspector who is a public officer" and substituting the following—

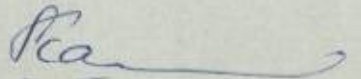
Amendment of section 66.

", a boiler inspector who is a public officer and an inspector (land boilers)".

Passed by the Hong Kong Legislative Council this 19th day of July, 1978.


Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.


Clerk to the Legislative Council.

No. 68 of 1978



I assent.

Denys
Acting Govern

HONG KONG

No. 68 OF 1978



I assent.

Denis Roberts

Acting Governor.

20th July, 1978.

An Ordinance to amend the Dutiable Commodities Ordinance.

[21st July, 1978]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Dutiable Commodities (Amendment) (No. 2) Ordinance 1978. Short title.

2. Section 53 of the principal Ordinance is amended by deleting the definition of "toilet preparation" and substituting the following— Amendment of section 53. (Cap. 109.)

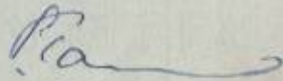
"toilet preparation" means any preparation containing more than 1.2 per cent of ethyl alcohol by volume which the Director is satisfied is intended for use for personal hygiene or cosmetic purposes;".

Passed by the Hong Kong Legislative Council this 19th day of July, 1978.

Pa

Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.



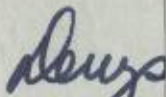
Clerk to the Legislative Council.



No. 69 OF 1978

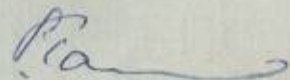


I assent.



Acting Govern

bill, and is found by me to be a true and correctly
copy of the said bill.



Clerk to the Legislative Council.

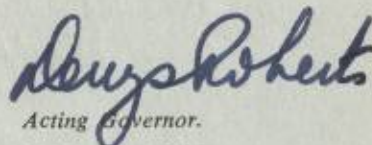


HONG KONG

No. 69 OF 1978



I assent.



Acting Governor.

3rd August, 1978.

An Ordinance to amend the Prevention of Bribery Ordinance.

[4th August, 1978]

Enacted by the Governor of Hong Kong, with the advice and consent
of the Legislative Council thereof.

1. This Ordinance may be cited as the Prevention of Bribery (Amend- Short title.
ment) Ordinance 1978.

2. The principal Ordinance is amended by adding after section 21 the
following section—

Addition of
section 21A.
(Cap. 201.)

*Certificate
as to official
emoluments,
etc.

21A. (1) In any proceedings against a person for an
offence under section 10, a certificate purporting—

(a) to certify—

(i) the rate of, and the total amount of, official
emoluments and the allowances, other than such
emoluments, paid to any Crown servant in relation
to the discharge by him of his duties as a Crown
servant;

(ii) that any person was or was not serving at any
specified time or during any specified period as a
Crown servant or ceased to be a Crown servant at
or before any specified time; or

(iii) that a Crown servant held or did not hold at any specified time any specified office; and

(b) to be signed by the Chief Secretary,

shall be admitted in such proceedings by any court on its production without further proof.

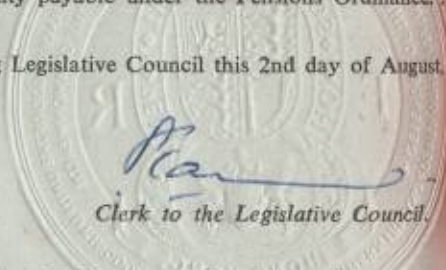
(2) On the production of a certificate under subsection (1) the court before which it is produced shall, until the contrary is proved, presume—

(a) that the facts stated therein are true; and

(b) that the certificate was signed by the Chief Secretary.

(3) In this section, "official emoluments" includes a pension or gratuity payable under the Pensions Ordinance." (Cap. 89.)

Passed by the Hong Kong Legislative Council this 2nd day of August, 1978.



[Signature]
Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

[Signature]
Clerk to the Legislative Council.

No. 70 of 1978

I assent



[Signature]
Acting Governor

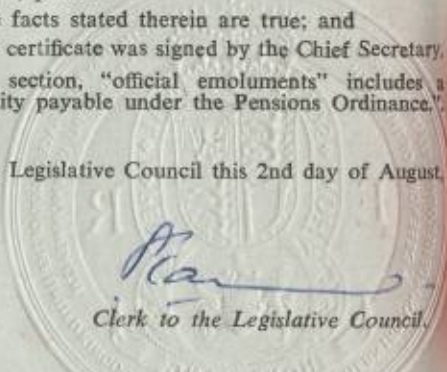
at any specified time any specified office; and
(b) to be signed by the Chief Secretary,
shall be admitted in such proceedings by any court on its
production without further proof.

(2) On the production of a certificate under subsection
(1) the court before which it is produced shall, until the
contrary is proved, presume—

- (a) that the facts stated therein are true; and
- (b) that the certificate was signed by the Chief Secretary.

(3) In this section, "official emoluments" includes a
pension or gratuity payable under the Pensions Ordinance.

the Hong Kong Legislative Council this 2nd day of August,


[Signature]
Clerk to the Legislative Council.

*printed impression has been carefully compared by me
bill, and is found by me to be a true and correctly
copy of the said bill.*

[Signature]

HONG KONG

No. 70 OF 1978

I assent.


[Signature]
Acting Governor.

3rd August, 1978.

An Ordinance to amend the Magistrates Ordinance.

[4th August, 1978]

Enacted by the Governor of Hong Kong, with the advice and consent
of the Legislative Council thereof.

1. (1) This Ordinance may be cited as the Magistrates (Amend-
ment) Ordinance 1978.

Short title and
commencement.

(2) Section 2 shall come into operation on the 1st October 1978.

2. The principal Ordinance is amended in Part I by adding after
section 7 the following new sections—

Addition of
new sections
7A, 7B and 7C.
(Cap. 227.)

"Assessors.

7A. (1) A magistrate may hear and determine any
proceedings, either wholly or in part, with the advice of one
assessor selected by the Registrar of the Supreme Court
from the panel of assessors referred to in subsection (2).

(2) For the purposes of subsection (1), the Chief Justice
shall, after consultation with the Secretary for Home Affairs,
appoint a panel of assessors and shall fix the fees which shall
be paid to an assessor for his services.

(3) Notice of appointment of any person to the panel
of assessors shall be published in the *Gazette*.

(4) The Chief Justice may give directions concerning the hearing and determining of any proceedings heard with an assessor.

Absence of assessor.

7B. If at any time before the determination of any proceedings heard with an assessor, the assessor is prevented from attending the proceedings, or absents himself, the magistrate may continue to hear the proceedings in his absence.

Advice of assessors.

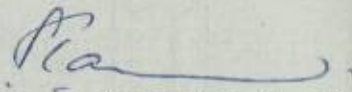
7C. (1) Where a magistrate hears and determines any proceedings with an assessor, the assessor shall have the right to give advice to the magistrate.

(2) In determining any proceedings a magistrate shall not be bound by any advice given by an assessor."

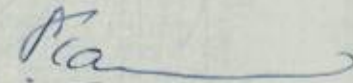
Amendment of section 81A.

3. Section 81A of the principal Ordinance is amended—
- (a) in subsection (2)(e) by deleting "not less than 10 days before the date fixed for the hearing" and substituting the following—
"not less than 10 days before the written statement is tendered to the magistrate by the prosecutor";
- (b) in subsection (3)(b) by deleting "not less than 10 days before the date fixed for the hearing" and substituting the following—
"not less than 10 days before the written statement in which the exhibit is identified is admitted in evidence under subsection (1)"; and
- (c) by adding after subsection (9) the following subsection—
"(10) Failure to comply with the requirements in or under this section shall not render any written statement or exhibit sought to be produced under this section inadmissible provided that the accused is not prejudiced by such failure."

Passed by the Hong Kong Legislative Council this 2nd day of August, 1978.


Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.


Clerk to the Legislative Council.

No. 71 of 1978



I assen


Acting Gov
3rd August.

/hearing and determining of any proceedings heard with an assessor.

7B. If at any time before the determination of any proceedings heard with an assessor, the assessor is prevented from attending the proceedings, or absents himself, the magistrate may continue to hear the proceedings in his absence.

7C. (1) Where a magistrate hears and determines any proceedings with an assessor, the assessor shall have the right to give advice to the magistrate.

(2) In determining any proceedings a magistrate shall be bound by any advice given by an assessor."

81A of the principal Ordinance is amended—

section (2)(e) by deleting "not less than 10 days before the day for the hearing" and substituting the following—

"not less than 10 days before the written statement is referred to the magistrate by the prosecutor";

section (3)(b) by deleting "not less than 10 days before the day for the hearing" and substituting the following—

"not less than 10 days before the written statement in which the exhibit is identified is admitted in evidence under section (1)"; and

adding after subsection (9) the following subsection—

"(10) Failure to comply with the requirements in or under this section shall not render any written statement or exhibit sought to be produced under this section inadmissible provided that the accused is not prejudiced by such failure."

HONG KONG

No. 71 OF 1978

I assent.



Deputy Roberts

Acting Governor.

3rd August, 1978.

An Ordinance to amend the Girl Guides Association (Hong Kong Branch) Ordinance.

[]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Girl Guides Association (Hong Kong Branch) (Amendment) Ordinance 1978 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*. Short title and commencement.
2. The long title of the principal Ordinance is repealed and replaced by the following—
"To incorporate the Hong Kong Girl Guides Association and to further and protect its activities". Amendment of long title.
(Cap. 1020.)
3. Section 1 of the principal Ordinance is amended by deleting "Girl Guides Association (Hong Kong Branch)" and substituting the following—
"Hong Kong Girl Guides Association". Amendment of short title.
4. Section 2 of the principal Ordinance is amended by deleting the definitions of "The Girl Guides Association" and "Girl Guide" and substituting the following definitions—
"Association" means the Hong Kong Girl Guides Association incorporated by this Ordinance; Amendment of section 2.

"Constitution" means the constitution for the time being of the Association and all rules made thereunder;

"Girl Guide" includes Brownie Guide, Guide and Ranger Guide recognized as such under the rules of the Association and all persons recognized as officers of the Association under the Constitution."

Amendment of section 3.

5. Section 3 of the principal Ordinance is amended—

(a) by deleting "The Girl Guides Association (Hong Kong Branch)" and substituting the following—

"the Association";

(b) in paragraph (a) by deleting "The Girl Guides" and substituting the following—

"the"; and

(c) in paragraph (b) by deleting "or the characters "女童義務團"".

Amendment of section 4.

6. Section 4 of the principal Ordinance is amended—

(a) by deleting "The Girl Guides Association or The Girl Guides Association (Hong Kong Branch)" and substituting the following—

"the Association";

(b) in paragraph (a) by deleting "The Girl Guides" and substituting the following—

"the"; and

(c) in paragraph (b) by deleting "or the characters "女童義務團"".

Amendment of section 5.

7. Section 5(a) of the principal Ordinance is amended by deleting "The Girl Guides" and substituting the following—

"the".

Amendment of section 6.

8. Section 6 of the principal Ordinance is amended—

(a) by deleting "The Girl Guides" and substituting the following—

"the"; and

(b) by deleting "rules of The Girl Guides" and substituting the following—

"Constitution of the".

Amendment of section 7.

9. Section 7 of the principal Ordinance is amended—

(a) by deleting subsection (1) and substituting the following—

"(1) No person shall form or work in connexion with or be a member of any organization which, without authority from the Association—

(a) claims or purports to be "Girl Guides" or which uses any of the following titles—

(i) "Girl Guides" or the equivalent Chinese title thereof that is to say "女童軍";

(ii) "The Hong Kong Girl Guides Association" or the equivalent Chinese title thereof that is to say "香港女童軍總會";

(iii) "Hong Kong Girl Guides" or the equivalent Chinese title thereof that is to say "香港女童軍";

(iv) "Brownie Guides" or the equivalent Chinese title thereof that is to say "小女童軍";

(v) "Ranger Guides" or the equivalent Chinese title thereof that is to say "深資女童軍"; or

(vi) any other title in any language, with or without additional characters, which so closely resembles any of the said titles as to be calculated to deceive or mislead; or

(b) by the use of any such title or otherwise purports or claims to be connected with the Association."

(b) in subsection (2) by deleting the words "The Girl Guides Association (Hong Kong Branch)" in both places where they occur and substituting the following—

"the Association".

10. Section 8 of the principal Ordinance is repealed and replaced by the following—

Repeal and replacement of section 8.

"Offence. 8. Any person who contravenes section 3, 4, 5, or 7 commits an offence and is liable to a fine of \$5,000."

11. Section 9 of the principal Ordinance is repealed and replaced by the following—

Repeal and replacement of section 9.

"Incorporation.

9. The President, the Vice Presidents, the Chief Commissioner, the Deputy Chief Commissioners, the Assistant Chief Commissioners, the Honorary Secretary and the Honorary Treasurer for the time being shall be a body corporate and shall have the name of the Hong Kong Girl Guides Association and in that name shall have perpetual succession and may sue and be sued in all courts and may have and use a common seal."

12. Section 10 of the principal Ordinance is repealed and replaced by the following—

Repeal and replacement of section 10.

"Powers of Association.

10. Subject to the provisions of the Constitution, the Association shall have all the powers of a natural person of full age and legal capacity."

13. Section 11 of the principal Ordinance is repealed and replaced by the following—

Repeal and replacement of section 11.

"Execution of documents.

11. All deeds and other instruments requiring the seal of the Association shall be sealed in the presence of, and shall be signed by, the Chief Commissioner and either a Deputy Chief Commissioner or an Assistant Chief Commissioner."

14. Section 12 of the principal Ordinance is amended by deleting "constitution, by-laws and rules of The Girl Guides Association, and with any by-laws and rules made by the Hong Kong Branch thereof under the rules of The Girl Guides Association" and substituting the following—

Amendment of section 12.

"Constitution".

15. Section 13 of the principal Ordinance is amended by deleting "movement of The Girl Guides Association as incorporated by the founder, the late Lieut.-General Lord Baden-Powell, G.C.V.O., K.C.B., F.R.G.S., D.C.L., LL.D., and embodied in his book "Girl Guiding" or in

Amendment of section 13.

the "Rules, Policy and Organization" of The Girl Guides Association for the time being in force" and substituting the following—

"Girl Guide Movement as incorporated by the founder, the late Lieut.-General Lord Baden-Powell, G.C.V.O., K.C.B., F.R.G.S., D.C.L., LL.D., and embodied in his book "Girl Guiding"".

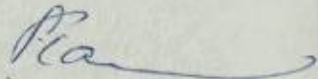
Transitional provisions.

16. (1) The corporation called the Hong Kong Girl Guides Association is for all purposes the successor of the corporation called The Girl Guides Association (Hong Kong Branch) (in this section referred to as "the dissolved corporation").

(2) Without limiting the generality of subsection (1)—


- (a) all immovable property vested in or held for or on behalf of the dissolved corporation immediately before the commencement of this Ordinance is as from that date vested in or held for and on behalf of the Association by virtue of this section and without any further assurance for the residue of the term of years created by the respective Crown Leases subject to the covenants conditions and other provisions contained in the said Crown Leases;
- (b) any other property right or privilege vested in or held for or on behalf of the dissolved corporation at the commencement of this Ordinance is as from that date vested in or held for or on behalf of the Association by virtue of this section and without further assurance on the terms and conditions, if any, on which the same was vested or held at that date;
- (c) all obligations and liabilities of the dissolved corporation immediately before the commencement of this Ordinance are as from that date the obligations and liabilities of the Association;
- (d) all badges tokens and emblems adopted by The Girl Guides Association remaining in use on the date of the commencement of this Ordinance shall be deemed to have been specifically adopted by the Association; and
- (e) all members of The Girl Guides Association (Hong Kong Branch) at the commencement of this Ordinance shall be members of the Association and all matters pertaining to membership thereafter shall be settled in accordance with the Constitution.

Passed by the Hong Kong Legislative Council this 2nd day of August, 1978.



Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.



Clerk to the Legislative Council.

No. 72 OF 1978



I assent

Deputy
Acting Gov
10th August

g in force" and substituting the following—

vide Movement as incorporated by the founder, the late general Lord Baden-Powell, G.C.V.O., K.C.B., F.R.G.S., L.D., and embodied in his book "Girl Guiding".

The corporation called the Hong Kong Girl Guides Association for all purposes the successor of the corporation called The Girl Guides Association (Hong Kong Branch) (in this section referred to as "the Corporation") (in this section referred to as "the Corporation").

without limiting the generality of subsection (1)—

immovable property vested in or held for or on behalf of the dissolved corporation immediately before the commencement of this Ordinance is as from that date vested in or held for and on behalf of the Association by virtue of this section and without further assurance for the residue of the term of years created by the respective Crown Leases subject to the covenants and other provisions contained in the said Crown Leases;

any other property right or privilege vested in or held for or on behalf of the dissolved corporation at the commencement of this Ordinance is as from that date vested in or held for or on behalf of the Association by virtue of this section and without further assurance on the terms and conditions, if any, on which the same was vested or held at that date;

all obligations and liabilities of the dissolved corporation immediately before the commencement of this Ordinance are as from that date the obligations and liabilities of the Association;

badges tokens and emblems adopted by The Girl Guides Association remaining in use on the date of the commencement of this Ordinance shall be deemed to have been specifically

HONG KONG

No. 72 OF 1978



I assent.

David Phillips

Acting Governor.

10th August, 1978.

An Ordinance to amend the Probate and Administration Ordinance.

[11th August, 1978]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Probate and Administration (Amendment) Ordinance 1978. Short title.

2. The principal Ordinance is amended by adding after section 23C the following new section— Addition of section 23D. (Cap. 10.)

23D. The Official Administrator shall on or after the 31st day of March in each year transfer to the general revenue any interest paid on or accumulated in any account operated by him for the purpose of administering any estate, if such interest is not required to be credited or paid to any estate by rules made under section 72." "Disposal of surplus interest."

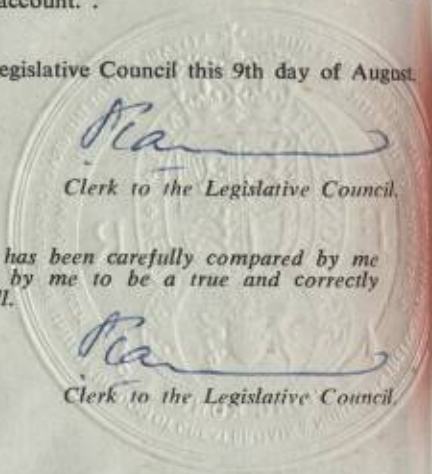
3. Section 72 of the principal Ordinance is amended by inserting after subsection (1) the following new subsection— Amendment of section 72.

"(1A) Without prejudice to the generality of subsection (1), the Chief Justice may make rules—

- (a) regulating the payment or crediting of interest on any money placed in any account operated by the Official Administrator for the purpose of administering any estate;

- (b) determining the smallest amount of money placed in such an account in respect of which interest is to be credited;
- (c) determining the time at which money placed in such an account is to begin and to cease to bear interest and the mode of computing such interest; and
- (d) determining the rate of interest to be credited to moneys placed in such an account."

Passed by the Hong Kong Legislative Council this 9th day of August, 1978.



This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

No. 73 OF 1978



I assent.

Deputy
Acting Governor
17th August,

An Ordinance to amend the Inland Revenue Ordinance.

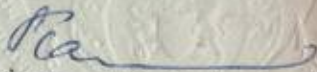
termining the time at which money placed in such an account is to begin and to cease to bear interest and the mode of computing such interest; and
termining the rate of interest to be credited to moneys placed in such an account.”.

the Hong Kong Legislative Council this 9th day of August.



Clerk to the Legislative Council.

Printed impression has been carefully compared by me with the original, and is found by me to be a true and correct copy of the said bill.



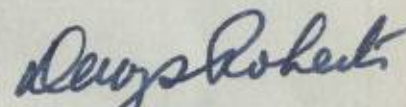
Clerk to the Legislative Council.

HONG KONG

No. 73 OF 1978



I assent.



Acting Governor.

17th August, 1978.

An Ordinance to amend the Inland Revenue Ordinance.

[18th August, 1978]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. (1) This Ordinance may be cited as the Inland Revenue (Amendment) (No. 3) Ordinance 1978. Short title and application.

(2) The amendments to the principal Ordinance made by this Ordinance shall apply in relation to all assessments in respect of the year of assessment commencing on the 1st April 1978 and all subsequent years of assessment.

2. Section 2 of the principal Ordinance is amended— Amendment of section 2.

(a) in subsection (1) by inserting after the definition of “executor” the following definition— (Cap. 112.)

““financial institution”, means—

- (a) a bank licensed under the Banking Ordinance; (Cap. 155.)
- (b) a registered deposit-taking company registered under the Deposit-taking Companies Ordinance; (Cap. 328.)
- (c) any associated corporation of such a bank or deposit-taking company which, being exempt by virtue of section 3(2)(a) or (b) of the Deposit-taking Companies Ordinance, would have been liable to register under that Ordinance had it not been so exempt;”;
- and

(b) by inserting after subsection (1) the following subsection—

“(2) For the purposes of the definition of “financial institution” in subsection (1)—

“associated corporation”, in relation to a bank or deposit-taking company, means—

- (a) a corporation over which the bank or deposit-taking company has control;
- (b) a corporation which has control over the bank or deposit-taking company; or
- (c) a corporation which is under the control of the same person as is the bank or deposit-taking company;

“control”, in relation to a corporation, means the power of a person to secure—

- (a) by means of the holding of shares or the possession of voting power in or in relation to that or any other corporation; or
- (b) by virtue of any powers conferred by the articles of association or other document regulating that or any other corporation,

that the affairs of the first-mentioned corporation are conducted in accordance with the wishes of that person.”

Amendment of section 15.

3. Section 15 of the principal Ordinance is amended—

(a) in subsection (1)—

(i) by deleting the full stop at the end of paragraph (h) and substituting a semicolon; and

(ii) by inserting after paragraph (h) the following paragraph—

“(i) sums, not otherwise chargeable to tax under this Part, received by or accrued to a financial institution by way of interest which arises through or from the carrying on by the financial institution of its business in the Colony, notwithstanding that the moneys in respect of which the interest is received or accrues are made available outside the Colony.”; and

(b) by inserting after subsection (2) the following subsection—

“(3) Where in the basis period for any year of assessment a financial institution was not a financial institution for the whole of that period, in that, if the institution is a bank it was not licensed for the whole of that period or if the institution is a deposit-taking company it was not registered for the whole of that period, then subsection (1)(i) shall apply only in respect of such part of the basis period during which the bank or deposit-taking company was licensed or registered, as the case may be.”

Amendment of section 16.

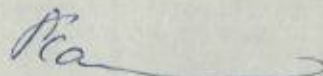
4. Section 16(1) of the principal Ordinance is amended by inserting after paragraph (b) the following paragraph—

“(c) tax of substantially the same nature as tax imposed under this Ordinance, proved to the satisfaction of the Commissioner to have been paid elsewhere, whether by deduction or otherwise, by any financial institution which is managed and controlled in

the Colony, during the basis period for the year of assessment in respect of profits chargeable to tax by virtue of section 15(1)(i):

Provided that no deduction shall be made under this paragraph if the financial institution concerned is eligible for relief under Part VIII in respect of such profits;”.

Passed by the Hong Kong Legislative Council this 16th day of August, 1978.



Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.



Clerk to the Legislative Council.

HONG KONG

No. 74 OF 1978



I assent.

A handwritten signature in blue ink, appearing to be "M2".

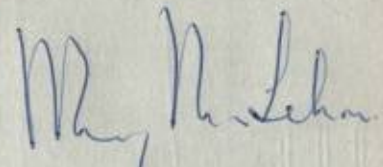
Governor.

HONG KONG

No. 74 OF 1978



I assent.


Governor.

16th November, 1978.

An Ordinance to amend the Deposit-taking Companies Ordinance.

[17th November, 1978]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. (1) This Ordinance may be cited as the Deposit-taking Companies (Amendment) Ordinance 1978.

Short title and commencement.

(2) Section 9 shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.

2. Section 2(1) of the principal Ordinance is amended—

Amendment of section 2. (Cap. 328.)

(a) by inserting in the appropriate alphabetical order the following definitions—

“accounts” means all methods of keeping accounts whether in writing, print or by any machine or device;

(Cap. 50.)

“auditor” means a professional accountant holding a practising certificate as provided in the Professional Accountants Ordinance;

“money at call” means money payable within not more than 24 hours of a demand therefor, but does not include money payable on demand;

"money at short notice" means money, other than money at call, payable within not more than 7 days of a demand therefor;"

- (b) by deleting the definition of "Commissioner" and substituting the following—

"Commissioner" means the Commissioner of Deposit-taking Companies appointed by section 3A;"

- (c) by deleting the full stop at the end and substituting a semicolon; and

- (d) by inserting after the definition of "registered" the following definitions—

"share" means share in the share capital of a company, and includes stock except where a distinction between stock or shares is expressed or implied; and the expression "shareholder" includes a stockholder;

"specified liquid assets" means all or any of the assets specified in section 24A."

Addition of new section 3A.

3. The principal Ordinance is amended by adding after section 3 the following section—

"Appointment of Commissioner.
(Cap. 155.)

3A. The Commissioner of Banking appointed under section 4 of the Banking Ordinance shall also be the Commissioner of Deposit-taking Companies."

Amendment of section 5.

4. Section 5(1) of the principal Ordinance is amended—

- (a) by inserting after paragraph (a) the following paragraph—

"(aa) the Secretary for Monetary Affairs;" and

- (b) in paragraph (c), by deleting "9" and substituting the following—
"10".

Amendment of section 9.

5. Section 9(2) of the principal Ordinance is amended by deleting "may be specified by the Commissioner under section 36(1)" and substituting the following—

"the Commissioner may specify".

Amendment of section 10.

6. Section 10 of the principal Ordinance is amended—

- (a) in subsection (2)(a)—

- (i) by inserting after "the company" the following—

"as determined under subsection (3);" and

- (ii) by deleting "the case of a company incorporated outside Hong Kong" and substituting the following—

"any other currency";

- (b) in subsection (3)—

- (i) by inserting after "whether or not the" the following—

"issued capital or the"; and

- (ii) by deleting "(b)" and substituting the following—

"(a) and (b) respectively"; and

- (c) by inserting after subsection (7) the following subsection—

"(8) For the purposes of this section, "capital" means the share capital of a company."

7. Section 14(1) of the principal Ordinance is amended—

- (a) in paragraph (b), by deleting "(4)" and substituting the following—
"(3) and (4)"; and

- (b) in paragraph (g), by inserting after "17" the following—
"or 24A".

Amendment of section 14.

8. Section 20 of the principal Ordinance is repealed and replaced by the following—

Repeal and replacement of section 20.

"Returns and information to be submitted to the Commissioner.

20. (1) Without prejudice to sections 17 and 19, every registered deposit-taking company shall submit to the Commissioner—

- (a) not later than 21 days after the last day of each calendar month a return, in such form as the Commissioner may specify, showing the assets and liabilities of its offices and branches in Hong Kong at the close of business on the last business day of that month; and

- (b) not later than 21 days after the last day of each quarter ending on the 31st March, the 30th June, the 30th September and the 31st December respectively, or upon any other day which may be approved by the Commissioner, a statistical return, in such form as the Financial Secretary may specify, relating to its offices and branches in Hong Kong as at the close of business on the last business day of the preceding quarter:

Provided that the Commissioner may by permission in writing allow the returns referred to in paragraphs (a) and (b) to be submitted at less frequent intervals.

(2) The Commissioner may require a registered deposit-taking company to submit such further information as he may consider necessary for the proper understanding of the financial position of the company and such information shall be submitted within such period and in such manner as the Commissioner may require.

(3) The Commissioner may require any return submitted to him pursuant to subsection (1), or any information submitted to him pursuant to a requirement under subsection (2), to be accompanied by a certificate of the auditors of the company as to whether or not, in the opinion of the auditors, the return or information is correctly compiled from the books and records of the company.

(4) Notwithstanding anything in section 25, the Commissioner may prepare and publish consolidated statements aggregating the figures in the returns furnished under subsection (1).

(5) Any registered deposit-taking company that fails to comply with this section, or with any requirement under this section, shall be guilty of an offence and shall be liable on conviction upon indictment to a fine of \$2,000 for every day during which the offence continues.

(6) Any person who signs any document for the purposes of this section which he knows or reasonably ought to know to be false in a material particular shall be guilty of an offence and shall be liable on conviction upon indictment to a fine of \$20,000 and to imprisonment for 2 years."

Addition of new section 24A.

9. The principal Ordinance is amended by adding after section 24 the following section—

"Minimum holding of specified liquid assets.

24A. (1) A registered deposit-taking company shall maintain at all times a minimum holding of specified liquid assets, free from encumbrances, in accordance with the provisions of this section.

(2) The minimum holding of specified liquid assets to be maintained by a registered deposit-taking company in any calendar month shall be not less than such percentage of the deposit liabilities of the company during that month as shall be specified by the Financial Secretary and notified in the *Gazette*.

(3) For the purpose of subsection (2), the specified liquid assets of a registered deposit-taking company shall be the specified liquid assets of that company within the meaning of subsection (7) reduced by an amount equivalent to such company's total liabilities in respect of—

- (a) balances of money payable on demand;
- (b) money at call due; and
- (c) money at short notice due,

to any licensed bank or other registered deposit-taking company in Hong Kong.

(4) The minimum holding of specified liquid assets required in pursuance of subsection (2) shall include not less than the equivalent of such percentage of the deposit liabilities of the company as shall be specified by the Financial Secretary and notified in the *Gazette* in the form of such specified liquid assets as are set out in paragraphs (a), (b), (c), (d), (e) and (f) of subsection (7), and in determining whether the minimum holding includes not less than the equivalent of the specified percentage figure of the deposit liabilities of the company in the form aforesaid any reduction made pursuant to subsection (3) in respect of balances of money payable on demand and money at call shall be deemed to have been made in such specified liquid assets of the company as are set out in paragraphs (a), (b), (c), (d), (e) and (f) of subsection (7).

(5) For the purposes of subsection (2), the specified liquid assets and deposit liabilities shall be the arithmetical means of, respectively, the amounts of specified liquid assets held by, and the deposit liabilities of, the company according to the company's books at the close of business on every such weekday during the month as the Commissioner may specify:

Provided that if any such specified weekday is a public holiday the specified liquid assets and deposit liabilities as at the close of business on the last working day preceding that specified weekday shall be taken for the purposes of such calculation.

(6) For the purposes of computing the minimum holding of specified liquid assets to be held by a registered deposit-taking company—

- (a) the deposit liabilities of a registered deposit-taking company shall be deemed to be its gross demand and time liabilities, excluding amounts owing to any bank or other registered deposit-taking company;

(b) in the case of a registered deposit-taking company operating in Hong Kong and also elsewhere, the offices and branches of the company situated in Hong Kong shall be deemed collectively to be a separate deposit-taking company carrying on business in Hong Kong;

(c) all the deposit liabilities of a registered deposit-taking company owed through any of the offices or branches in Hong Kong of the company operating in Hong Kong and also elsewhere shall be regarded as if they constituted liabilities of that separate deposit-taking company, and all the assets held by or to the credit of any of these offices or branches shall be regarded as if they were assets of that separate deposit-taking company.

(7) For the purposes of this section, "specified liquid assets" means all or any of the following—

- (a) notes and coins which are legal tender in Hong Kong;
- (b) notes and coins in any currency which is freely remittable to the registered deposit-taking company in Hong Kong;
- (c) refined gold in the form of coin or bars situated in Hong Kong, and refined gold in the form of coin or bars situated outside Hong Kong if the gold, or money into which it can be converted, is freely remittable to the registered deposit-taking company in Hong Kong from the place where such gold is situated;
- (d) the total balance of money payable on demand at any licensed bank or other registered deposit-taking company in Hong Kong and money at call with any licensed bank or other registered deposit-taking company in Hong Kong;
- (e) balances of money payable on demand at any bank outside Hong Kong and money at call with any bank outside Hong Kong, which are or is freely remittable to the registered deposit-taking company in Hong Kong and held in a form approved by the Commissioner;
- (f) treasury bills, maturing within 93 days, issued by the Government or by the Government of the United Kingdom or by the Government of any other country if such treasury bills issued by the Government of any other country are specified by the Financial Secretary under section 18(6)(e) of the Banking Ordinance;
- (g) money at short notice at any licensed bank or other registered deposit-taking company in Hong Kong;
- (h) money at short notice at any bank outside Hong Kong, which is freely remittable to the registered deposit-taking company in Hong Kong and held in a form approved by the Commissioner;
- (i) bills of exchange discountable in a currency which is freely remittable to the registered deposit-taking company in Hong Kong;

(Cap. 155.)

- (j) bills of exchange payable on demand in the form of bank drafts, sight drafts drawn under export commercial or travellers letters of credit, travellers cheques, money orders negotiable in Hong Kong and issued by or under the authority of the Government of any country in currency freely remittable to the registered deposit-taking company in Hong Kong and postal orders issued within the United Kingdom or the Irish Republic;
- (k) such securities (other than securities specified in paragraph (1)) issued or guaranteed by the Government, or the Government of any other country, as may be specified by the Financial Secretary under section 18(6)(h) of the Banking Ordinance;
- (l) securities with less than 5 years to maturity issued or guaranteed by the Government or the Government of the United Kingdom if—
- (i) they are quoted on a Stock Exchange in London, Hong Kong or New York;
 - (ii) they have been dealt in during the preceding 6 months; and
 - (iii) payment of interest thereon is not in arrear.
- (8) The Financial Secretary may, from time to time, in exceptional circumstances, by notice raise or reduce for such period as he may think necessary and to such percentages as he may think fit the minimum percentages specified in pursuance of subsection (2) or subsection (4) of specified liquid assets in the case of any particular registered deposit-taking company.
- (9) For the purpose of this section, the value of any specified liquid asset specified in paragraph (k) or (l) of subsection (7) shall be not more than the current market value of such asset.
- (10) Any registered deposit-taking company that fails to comply with this section shall be guilty of an offence and shall be liable on conviction upon indictment to a fine of \$2,000 for every day during which the offence continues.”.

Addition of new sections 31A and 31B.

10. The principal Ordinance is amended by adding after section 31 the following sections—

“Inspection of registered deposit-taking companies.

Production of company's books, etc.

31A. Without prejudice to the provisions of sections 14 and 15, the Commissioner may at any time, with or without prior notice to a registered deposit-taking company, inspect the books, accounts and transactions of the company.

31B. (1) For the purpose of an inspection under section 31A, a registered deposit-taking company shall afford the person carrying out the inspection access to its books and accounts, to documents of title to its assets and other documents, to all securities held by it in respect of its customers' transactions and its cash and to such information and facilities as may be required to conduct the inspection, and shall produce to the person carrying out the inspection such books, accounts, documents, securities, cash or other information as he may require:

Provided that, so far as is consistent with the conduct of the inspection, such books, accounts, documents, securities

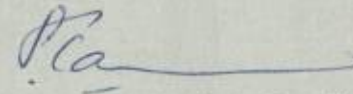
and cash shall not be required to be produced at such times and such places as shall interfere with the proper conduct of the normal daily business of the company.

(2) Any registered deposit-taking company that fails to comply with subsection (1), or with any requirement under that subsection, shall be guilty of an offence and shall—

- (a) in the case of a continuing offence, be liable on conviction upon indictment to a fine of \$2,000 for every day during which the offence continues; and
- (b) in the case of an offence which is not a continuing offence, be liable on conviction upon indictment to a fine of \$50,000.

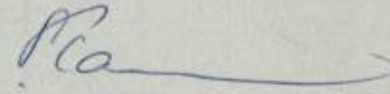
(3) Any registered deposit-taking company that produces any book, account, document, security or information whatsoever under subsection (1) which is false in a material particular shall be guilty of an offence and shall be liable on conviction upon indictment to a fine of \$10,000.”.

Passed by the Hong Kong Legislative Council this 15th day of November, 1978.



Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

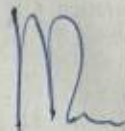


Clerk to the Legislative Council.

LEGE

No. 75 OF 1978

I assent.



Governo

HONG KONG

No. 75 OF 1978



I assent.

Governor.

16th November, 1978.

An Ordinance to amend the Banking Ordinance.

[17th November, 1978]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

1. This Ordinance may be cited as the Banking (Amendment) Ordinance 1978. Short title.

2. Section 3(2) of the principal Ordinance is amended by—

Amendment of
section 3.
(Cap. 155.)

(a) inserting after "Financial Secretary," the following—
"the Secretary for Monetary Affairs,"; and

(b) deleting "9" and substituting the following—
"10".

3. Section 18(7) of the principal Ordinance is amended by deleting "order" and substituting the following—
"notice". Amendment of
section 18.

4. Section 38 of the principal Ordinance is amended—

Amendment of
section 38.

(a) in subsection (1)—

(i) in paragraph (a), by deleting "statement, in such form as may be prescribed" and substituting the following—

"return, in such form as the Commissioner may specify";

(ii) in paragraph (b), by deleting "statement in the prescribed form giving an analysis of loans and advances made by" and substituting the following—

"statistical return, in such form as the Financial Secretary may specify, relating to"; and

(iii) by deleting "statements" and substituting the following—
"returns";

(b) in subsection (2A)—

(i) by deleting "statement" wherever it occurs and substituting in each case the following—

"return"; and

(ii) by deleting "correct" and substituting the following—

"correctly compiled from the books and records of the bank"; and

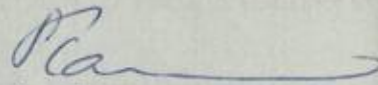
(c) in subsection (3), by deleting "the statements" and substituting the following—

"the returns".

Amendment of
section 56.

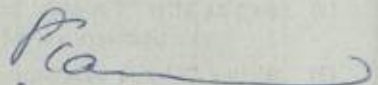
5. Section 56 of the principal Ordinance is amended by deleting "prescribe" and substituting the following—
"specify".

Passed by the Hong Kong Legislative Council this 15th day of November, 1978.



Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

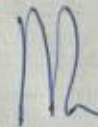


Clerk to the Legislative Council.

No. 76 of 1978



I assent.



Governor.

...prescribed" and substituting the following—

return, in such form as the Commissioner may specify";

in paragraph (b), by deleting "statement in the prescribed giving an analysis of loans and advances made by" and substituting the following—

statistical return, in such form as the Financial Secretary may specify, relating to"; and

by deleting "statements" and substituting the following—
"returns";

section (2A)—

by deleting "statement" wherever it occurs and substituting in each case the following—

"return"; and

by deleting "correct" and substituting the following—
"correctly compiled from the books and records of the bank"; and

section (3), by deleting "the statements" and substituting the following—

"the returns".

Section 56 of the principal Ordinance is amended by deleting and substituting the following—

"specify".

Enacted by the Hong Kong Legislative Council this 15th day of

HONG KONG

No. 76 OF 1978



I assent.

M. N. S. Leung
Governor.

16th November, 1978.

An Ordinance to provide for the regulation and control of ports and of vessels using the waters of Hong Kong, the regulation and control of repairs and breaking up of vessels, cargo handling on vessels, pollution caused by vessels, and for other matters affecting vessels and navigation in the waters of Hong Kong; and to make consequential amendments to the Merchant Shipping Ordinance.

[]

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

PART I

PRELIMINARY

1. This Ordinance may be cited as the Shipping and Port Control Ordinance 1978 and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*, and notices under this section may appoint different dates for different provisions of this Ordinance. Short title and commencement.

2. In this Ordinance, unless the context otherwise requires—
"agent" means any person acting in Hong Kong as agent for the owner of a vessel for the purposes of this Ordinance; Interpretation.

"aid to navigation" means a lighthouse, beacon or buoy, and any cables, wires and other forms of communication apparatus connected or used with a lighthouse, beacon or buoy;

"authorized officer" means—

- (a) the Director and any public officer of the Marine Department of or above the rank of Marine Assistant, Class II;
- (b) any police officer of or above the rank of Station Sergeant; and
- (c) any public officer authorized in writing in this behalf by the Director;

"beacon" means any light, mark or sign established as an aid to navigation, other than a lighthouse or buoy;

"buoy" means any floating light, mark or sign established as an aid to navigation, other than a lighthouse or beacon;

"cargo" means any goods, ships' stores, provisions and equipment, mail and passengers' baggage, carried, or intended to be carried, in or on a vessel;

"cargo handling" means—

- (a) the loading of cargo on, or the unloading of cargo from, a vessel;
- (b) the transfer of cargo within a vessel; or
- (c) the hoisting, lowering, moving and handling of cargo or any other thing in any manner, on or from a vessel;

"dangerous goods" means the substances and articles which are specified in the Schedule to the Dangerous Goods (Classification) Regulations;

"dead ship" means any ship exceeding 50 metres in length, other than a laid-up vessel, which—

- (a) is, for any reason, unable to proceed under its own power;
- (b) is, for any reason, unable to manoeuvre with its own steering gear;
- (c) is, for any reason, unable to work its own anchors; or
- (d) has any part of the hull structure removed, or under repair, which may affect the water-tight integrity of the ship;

"Director" means the Director of Marine;

"dynamically supported craft" means a craft that is operable on or above water and the weight of which, or a significant part thereof, is balanced in one mode of operation by other than hydrostatic forces;

"international regulations for preventing collisions at sea" means the international regulations for preventing collisions at sea made under section 418 of the Merchant Shipping Act 1894 (including any amendments thereto), or any regulations replacing those regulations;

"junk" includes any vessel—

- (a) of Chinese or other Asiatic build, construction or rig;
- (b) of Chinese or other Asiatic build and construction but of European rig; or
- (c) of European build and construction, but of Chinese or other Asiatic rig.

whether such vessel is of a sea-going type or not and whether mechanically propelled or not;

(Cap. 295,
sub. leg.)

1894 c. 60.

"laid-up vessel" means any vessel exceeding 50 metres in length, other than a dead ship, which remains, or is to remain, within the waters of Hong Kong through lack of employment or pending the outcome of any legal proceedings before any court;

"lighthouse" includes a lightship and any floating or other light exhibited for the guidance of ships, other than a beacon or buoy;

"master", in relation to a vessel other than a vessel to which Part IV applies, means the person (except a pilot) having for the time being command or charge of the vessel;

"mooring" includes a mooring dolphin or post, buoy, pontoon, floating pier or other floating structure used for the mooring of vessels or to assist in the embarkation or disembarkation to or from vessels;

"owner"—

(a) in relation to a vessel, means—

(i) the person or persons registered or licensed as the owner of the vessel, or in the absence of registration or licensing, the person or persons owning the vessel, except that in relation to a vessel owned by a State which is operated by a person registered as the vessel's operator, it means the person registered as its operator; or

(ii) a demise charterer of the vessel; and

(b) in relation to cargo, includes—

(i) the consignor, consignee or shipper of the cargo; and

(ii) the agent of the owner of the cargo;

"pilot" means the person who is a pilot within the meaning of the Pilotage (Cap. 84.) Ordinance;

"place on land" means—

(a) any premises, building or vehicle on land;

(b) any building, structure or object erected or placed on the bed or shore of the sea; or

(c) anything afloat (other than a vessel) if it is anchored or attached to the bed or shore of the sea;

"port" means any area of the waters of Hong Kong which is declared to be a port under section 56;

"port dues" means any due, fee or charge payable under this Ordinance in respect of a vessel which enters the waters of Hong Kong or uses any port facility;

"port facility" means any aid to navigation, mooring or signal station;

"river trade limits" means—

(a) the waters in the vicinity of Hong Kong within the following boundaries—

(i) to the East, meridian 114° 30' East;

(ii) to the South, parallel 22° 09' North; and

(iii) to the West, meridian 113° 31' East; and

(b) all inland waterways in the provinces of Kwangtung and Kwangsi on the mainland of China to which access can be obtained by water from the area defined in paragraph (a);